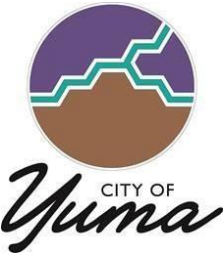


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on Monday, February 13, 2023, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

	<p style="text-align: center;">Agenda Planning and Zoning Commission Meeting City Hall Council Chambers One City Plaza Yuma, AZ Monday, February 13, 2023, 4:30 p.m.</p>
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A. CALL TO ORDER

B. CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES –

January 23, 2023

B.2 WITHDRAWALS BY APPLICANT – NONE

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES – NONE

B.5 APPROVALS – NONE

C. ACTION ITEMS – NONE

D. PUBLIC HEARINGS – NONE

*D.1 **ZONE-40827-2022**: This is a request by Dahl, Robins, and Associates, on behalf of Saguaro Desert Land, Inc., to rezone approximately 7 acres from the Agriculture (AG) District to the Medium Density Residential (R-2) District, for the property located at the northwest corner of E. 24th Street and S. Avenue 9E, Yuma, AZ.*

*D.2 **ZONE-40917-2022**: This is a request by Dahl, Robins, and Associates, on behalf of Yuma Real Estate, LLC, to rezone approximately 20 acres from the Agriculture (AG) District to the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at the northeast corner of E. North Frontage Road and S. Avenue 3E, Yuma, AZ.*

*D.3 **ZONE-40918-2022**: This is a request by Dahl, Robins & Associates, Inc. on behalf of Maha, LLC, to rezone approximately .87 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District, for the property located at 2774 S. Avenue B, Yuma, AZ.*

*D.4 **GP-40777-2022**: This is a General Plan Amendment request by Ibrahim Osman, P.E., on behalf of Bio Realty Group, LLC, to change the land use designation from Low Density Residential to Mixed Use for approximately 9.42 acres, for the properties located at 868 S. Avenue B and 920 S. Avenue B, Yuma, AZ.*

*D.5 **ZONE-40751-2022**: This is a request by Colvin Engineering, on behalf of Hardknocks Limited Partnership, to rezone approximately 10 acres from the Low Density Residential (R-1-40) District to the Recreational Vehicle Subdivision (RVS) District. These properties are located between 36th Street and 40th Street, west of Avenue 10E, Yuma, AZ.*

E. EXECUTIVE SESSION – NONE

F. INFORMATION ITEMS

F.1 STAFF

F.2 COMMISSION

F.3 PUBLIC – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

**Planning and Zoning Commission Meeting Minutes
January 23, 2023**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, January 23, 2023 at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel and Commissioners Branden Freeman, Lorraine Arney, Joshua Scott, Ashlie Pendleton and John Mahon. Commissioner Ashlie Pendleton was absent.

STAFF MEMBERS present included Rodney Short, Deputy City Attorney; Emily Hart, Assistant City Attorney; Jennifer Albers, Principal Planner; Robert Blevins, Principal Planner; Zenia Fiveash, Assistant Planner and Lizbeth Sanchez, Administrative Specialist.

Chairman Chris Hamel called the meeting to order at 4:30 p.m., and noted there was a quorum present.

ELECTION OF OFFICERS

Hamel called for nominations for Chairman.

Commissioner Arney nominated Chris Hamel.

MOTION

Motion by Arney, second by Freeman to elect Chris Hamel as Chairman. Motion carried unanimously, (6-0) with one absent.

Hamel called for nominations for Vice-Chair.

Commissioner Hamel nominated Lorraine Arney.

MOTION

Motion by Hamel, second by Freeman to elect Lorraine Arney as Vice-Chairman. Motion carried unanimously, (6-0) with one absent.

CONSENT CALENDAR

MINUTES – January 9, 2023

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Arney, second by Freeman to APPROVE the Consent Calendar as presented. Motion carried unanimously, (6-0) with one absent.

Action Items–

CUP-40853-2022: *This is a request by Adrian Vega, on behalf of D & M Properties of Yuma, LLC, for a Conditional Use Permit to allow automotive repair within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/IO) District. The property is located at 599 S. Gila Street, Yuma, Arizona.*

Robert Blevins, Principal Planner, summarized the staff report and recommended **APPROVAL.**

QUESTIONS FOR STAFF

Chairman Hamel asked if there would be a problem if the applicant, in the future, added two additional 40 x 40 buildings on the property. **Blevins** replied that there was no maximum lot coverage requirement and that there was enough space for future expansions.

APPLICANT/APPLICANT'S REPRESENTATIVE

Hamel asked what environmental conditions were in place for the proposed project. **Ryan Mansheim, 4447 Charro Lane, Yuma, AZ** replied that they have the required Environmental Protection Agency totes to dispose of oil and coolant properly. **Mansheim** also mentioned that they had a storm retention center surveyed to prevent any spillage from getting to the river.

PUBLIC COMMENT

None

Motion by Freeman second by Arney to APPROVE CUP-40853-2022 as presented. Motion carried unanimously, (6-0) with one absent.

INFORMATION ITEMS**Staff**

None

Commission

None

Public

None

Chariman Hamel called the commission into an executive session at 4:40 PM.

ADJOURNMENT

Minutes approved this _____ day of _____, 2023

Chairman



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: ALYSSA LINVILLE

Hearing Date: February 13, 2023

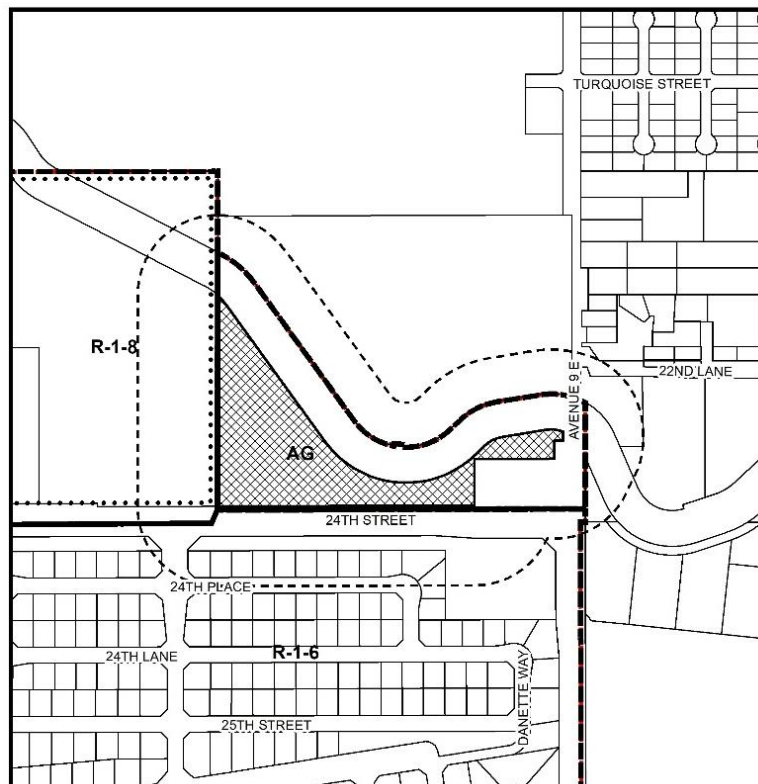
Case Number: ZONE-40827-2022

Project Description/Location:

This is a request by Dahl, Robins, and Associates, on behalf of Saguaro Desert Land, Inc., to rezone approximately 7 acres from the Agriculture (AG) District to the Medium Density Residential (R-2) District, for the property located at the northwest corner of E. 24th Street and S. Avenue 9E, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Medium Density Residential
North	Yuma County (Rural Area 20 Acre – RA-20)	Agriculture	Agriculture
South	Low Density Residential (R-1-6)	Single-Family Residence(s)	Low Density Residential
East	Yuma County (Rural Acre 10 Acre (RA-10) and Suburban Area 1 Acre (SR-1))	Single-Family Residence(s)	Low Density Residential
West	Low Density Residential/Public (R-1-8/P)	Wastewater Treatment Facility	Public/Quasi Public

Location Map



Prior site actions: Annexation: Ord. O2015-046 (October 2, 2015); General Plan Amendment: Res. R2015-032 (August 5, 2015; Low Density Residential to Medium Density Residential); Rezone: Ord. O2016-006 (Agriculture to Medium Density Residential; Approved by Council on February 16, 2016; Denied through Special Election on November 8, 2016); Rezone: ZONE-23044-2018 (Agriculture to Medium Density Residential; Denied by City Council on March 6, 2019).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the Medium Density Residential (R-2) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-40827-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 7 acres from the Agriculture (AG) District to the Medium Density Residential (R-2) District, for the property located at the northwest corner of E. 24th Street and S. Avenue 9E, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject property, located at the northwest corner of 24th Street and Avenue 9E, is currently undeveloped and measures approximately 7 acres in size. The subject property, which features extreme terrain variations throughout the site, has been the subject of several planning applications over the years.

Prior to this rezoning request, in 2015 the applicant requested a land use change through a general plan amendment. The general plan amendment changed the land use designation from Low Density Residential to Medium Density Residential, increasing the maximum density from 34 dwelling units to 90 dwelling units. While public opposition was present, the request to change the land use designation from Low Density Residential to Medium Density Residential was supported by staff and the Planning and Zoning Commission, and was approved by City Council on August 5, 2015.

Following the approved change in the land use designation, the applicant proceeded to request a zoning change from the Agriculture (AG) District to the Medium Density Residential (R-2) District. Similar to the prior general plan process, neighbors once again voiced concern about the request. City Council approved the rezoning request over the objections of those who voiced their concern against the rezoning.

Following the approval of the rezoning by City Council, those opposed to the rezoning were able to gather the number of signatures required from city residents to initiate a referendum, which placed the determination of the rezoning in the hands of the voters. As a result, in November of 2016, a Citywide special election overturned the approval of the City Council, as a majority of those who participated in the election, voted to deny the zoning application.

Less than two years following the special election, in July of 2018, the applicant submitted another request to rezone the property. Upon receiving the application, staff noted that the application was a mirror request of the one overturned by the voters via referendum in 2016. Based on this, staff reached out to the applicant

seeking any additional information that may provide further detail as to the intended site development. The applicant declined to provide any additional information. There are no rules found within state law or court rulings preventing the applicant from submitting the same request as was denied through a resident initiated special election. Therefore, staff began the process of rezoning as requested by the applicant.

During the 2018 rezoning process, a neighborhood meeting was held, in which approximately 25 neighboring residents, City staff, and agents representing the applicant attended the meeting. During the meeting, neighbors discussed the potential increase in traffic, the potential impact on the area schools, as well as their overall concern about a potential density increase. While several of the neighbors stated they were not in favor of multi-family development, many simply wanted to know what the intended product would be.

Because the 2018 zoning application contained no new supporting information from the previous request denied by the voters, City Council denied the rezoning request.

In November of 2022, staff again received a rezoning application to change the zoning designation from Agriculture (AG) District to the Medium Density Residential (R-2). With this most recent rezoning application, the applicant has provided new details related to the development, including conceptual elevations and floorplans. Similar to the prior applications, it is still the intention of the applicant to develop the site with 84 market-rate, multi-family residential units.

Part of the planning action process is for the applicant to host a neighborhood meeting. The neighborhood meeting is intended to give residents an opportunity to learn about the proposal and ask questions of the applicant or agent, with the intent of resolving concerns at an early stage of the application process. The applicant conducts the meeting and presents details about what is being proposed. The neighbors are invited to ask questions and discuss the proposed project. The applicant is charged with finding out the neighborhood concerns and proposing alternatives in the design or layout of the proposed project that can address the neighborhood concerns. The staff planner makes notes of concerns and significant issues for inclusion in the staff report to the Planning and Zoning Commission.

On January 10, 2023, a neighborhood meeting was held on-site in which the applicant, agents representing the applicant, City staff, and 2 neighboring residents were in attendance. During the neighborhood meeting, the applicant presented the neighboring residents with details related to the proposed development, including conceptual information related to the exterior elevations and proposed site layout. During the meeting, the attending neighbors voiced concerns about the proposed location, the potential increase in traffic along 24th Street, the anticipated increase on the area school populations, and other potential impacts on the existing services within the area. Additional details related to the neighborhood meeting can be located in Attachment F of the staff report.

The City of Yuma is a proponent of various housing options, whether a single-family homes or multi-family housing. Such housing options are an important component to the economic vitality of communities, supporting the local workforce so residents can live close to their jobs. Shorter commutes allow workers to spend more time with their families while the community benefits from reductions in traffic congestion, air pollution, and expenditures on roads. In revitalizing communities, the construction of multi-family housing can also help to stimulate economic growth. A healthy mix of

housing options, from below-market rate to market-rate, multi-family housing, single-family homes, townhomes, as well as developments for seniors, ensures opportunities for all individuals within the City of Yuma.

The owner of this project confirmed that the plan is to build a luxury product at a market-rate. The City of Yuma has noted a shortage of market-rate apartments within the City.

The requested district, Medium Density Residential (R-2), permits a variety of land uses, including: single-family dwellings, two-family dwellings, multi-family dwellings, elementary and secondary schools, publically owned and operated parks and community gardens. The proposed zoning designation also identifies development standards including lot coverage allowances, setback and landscaping requirements, as well as the need to provide adequate off-street parking as required by Article 16 of the zoning code.

1. Does the proposed zoning district conform to the Land Use Element?

Yes.

Land Use Element:									
Land Use Designation:				Medium Density Residential					
Issues:				None					
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:		Yes		No	X				

2. Are there any dedications or property easements identified by the Transportation Element?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue 9E – Minor Arterial	50 FT H/W	33 FT H/W				X
24 th Street – Minor Arterial	50 FT H/W	62 FT H/W		X		
Bicycle Facilities Master Plan	Bike Lanes – 24 th Street and Avenue 9E					
YCAT Transit System	24 th Street – Brown Route and Gold Route					
Issues:	None					

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?

Parks, Recreation and Open Space Element:			
Parks and Recreation Facility Plan			
Neighborhood Park:	Existing: Desert Ridge Park	Future: Desert Ridge Park	
Community Park:	Existing: Kennedy Park	Future: Aqua Viva Water Treatment Facility Urban Lake Park	
Linear Park:	Existing: None	Future: South Gila Canal Linear Park	
Issues:	None		
Housing Element:			
Special Need Household:	N/A		
Issues:	None		

Redevelopment Element:											
Planned Redevelopment Area:		N/A									
Adopted Redevelopment Plan:		North End:				Carver Park:					
Conforms:		Yes		No		N/A					
Conservation, Energy & Environmental Element:											
Impact on Air or Water Resources		Yes		No		X					
Renewable Energy Source		Yes		No		X					
Issues:		None									
Public Services Element:											
Population Impacts Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person		Dwellings & Type		Projected Population		Police Impact		Water Consumption		Wastewater Generation	
		<i>Multi-Family</i>									
		Maximum	Per Unit			Officers		GPD	AF	GPD	
		90	1.9	171		0.32		35,397	39.7	11,970	
		Minimum									
		35	1.9	67		0.13		13,766	15.4	4,655	
Fire Facilities Plan:		Existing: Fire Station No. 5				Future: Fire Station No. 5					
Water Facility Plan:		Source:	City	X	Private	Connection:		24 th Street 16"AC			
Sewer Facility Plan:		Treatment:	City	X	Septic	Private		Connection:			
Issues:		None									
Safety Element:											
Flood Plain Designation:		Flood Zone X			Liquefaction Hazard Area:			Yes	No	X	
Issues:		None									
Growth Area Element:											
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St		Avenue B & 32 nd St.						
	North End	Pacific Ave & 8 th St	Estancia		None		X				
Issues:		None									

4. Does the proposed rezoning conform to the adopted facilities plan?

Yes.

5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?

Yes.

Public Comments Received: None Received.

External Agency See Attachment E.

Comments:

Neighborhood Meeting See Attachment F.

Comments:

Proposed conditions delivered to applicant on: February 2, 2023

Final staff report delivered to applicant on: February 2, 2023

- ☒ Applicant agreed with all of the conditions of approval on: February 2, 2023
- ☐ Applicant did not agree with the following conditions of approval: (list #'s)

☐ If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D	E	F	G	H	I
Conditions of Approval	Conceptual Site Plan	Conceptual Elevations and Floor Plans	Agency Notifications	Agency Comments	Neighborhood Meeting Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Alyssa Linville*

Date: 02/07/2023

Alyssa Linville,
Director of Planning and
Neighborhood Services

Alyssa.Linville@yumaaz.gov (928)373-5000, ext. 3037

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director of Planning and Neighborhood Services (928) 373-5000, ext. 3037:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Engineering, Andrew McGarvie, Development Engineering Manager, (928) 373-5000, ext. 3044:

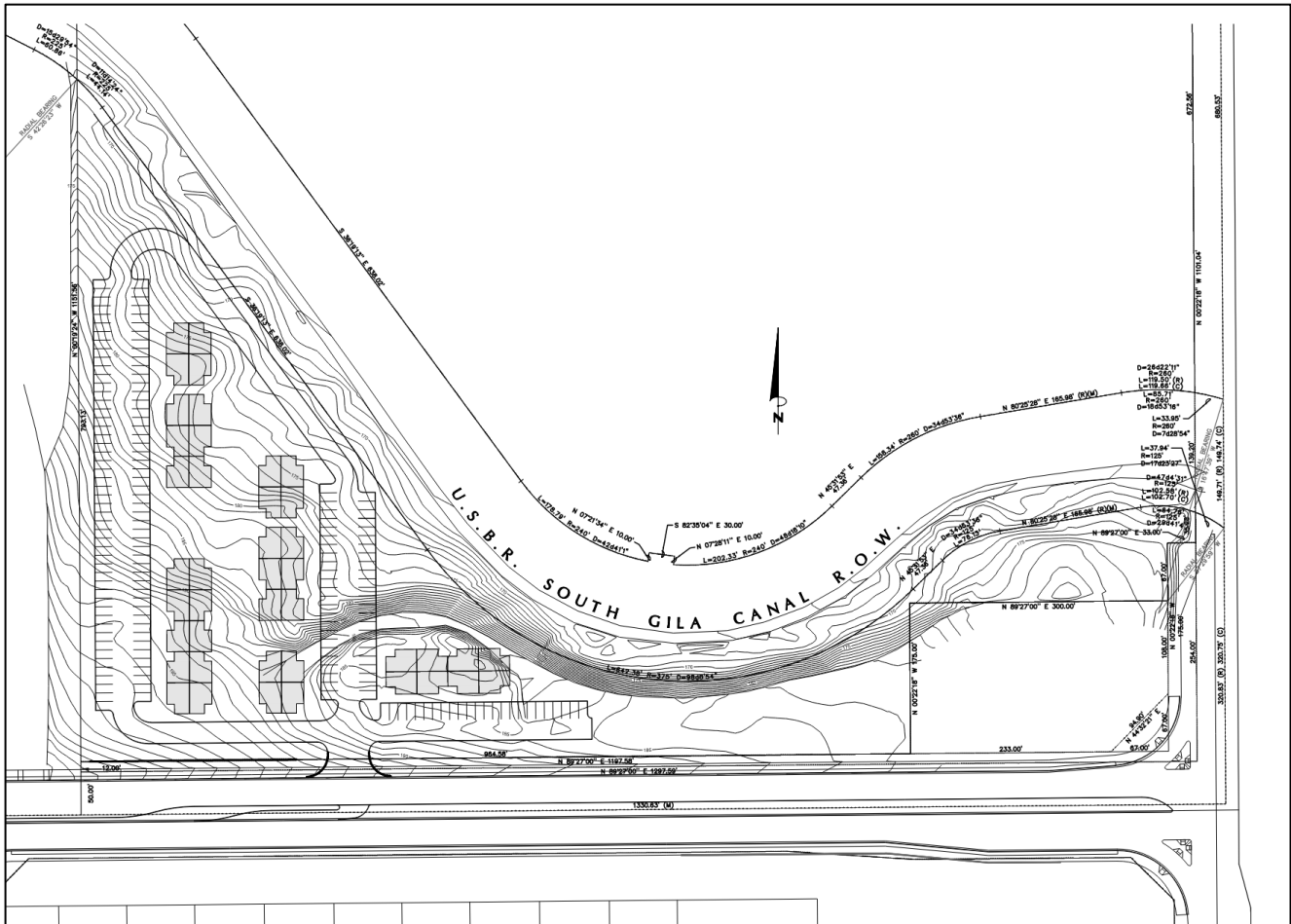
3. The owner/developer shall dedicate 17 feet additional right-of-way along Avenue 9E frontage to obtain a halfwidth of 50 feet required for a minor arterial street as defined in the City of Yuma transportation Master Plan, and City of Yuma construction standard 2-015.
4. The owner/developer shall dedicate a one-foot non-access easement along the Avenue 9E frontage.

Community Planning, Alyssa Linville, Director of Planning and Neighborhood Services, (928) 373-5000, ext. 3037:

5. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B CONCEPTUAL SITE PLAN



ATTACHMENT C
CONCEPTUAL ELEVATIONS AND FLOOR PLANS



2 BED - 2 BATH



2 BED - 2 BATH



3 BED - 2 BATH



4 BED - 2 BATH

ATTACHMENT C AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** (01/20/23)
- **300' Vicinity Mailing:** (12/27/22)
- **34 Commenting/Reviewing Agencies noticed:** (12/29/22)
- **Site Posted on:** (01/03/23)
- **Neighborhood Meeting:** (01/09/23)
- **Hearing Date:** (02/13/23)
- **Comments due:** (01/09/23)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	01/05/2023	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	Yes	01/03/2023	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	Yes	02/01/2023		X	X
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	01/03/2023		X	X
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	Yes	01/12/2023		X	
Fire	Yes	12/29/2023	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	01/09/2023			X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
AGENCY COMMENTS

☒ COMMENT ☐ NO COMMENT

Enter comments below:

There is a potential conflict with Western Area Power Administration (WAPA) line GLA-GIV. Please have the developer reach out to WAPA directly prior to moving forward with this project.

DATE: 1/3/23 NAME: Leslee Beckett TITLE: Reality Technician
AGENCY: Western Area Power Administration
PHONE: 602-605-2846
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

☒ Condition(s) ☐ No Condition(s) ☐ Comment

Enter conditions here: The subject parcel, APN 669-60-003 is located near a known flight path, it is requested that an Aviation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE: 9 Jan 2023 NAME: Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov



February 1, 2023

Ms. Alyssa Linville
Community Planning Division
City of Yuma
1 City Plaza
Yuma, AZ 85364

Electronically submitted to: Alyssa.Linville@YumaAZ.gov

RE: City of Yuma Rezoning Case Number ZONE-40827-2022

Dear Ms. Linville:

The Arizona Game and Fish Department (Department) appreciates the opportunity to review ZONE-40827-2022. The Department understands that this is a request for the rezoning of approximately 7 acres from the Agricultural (AG) District to the Medium Density Residential (R-2) District, located at the northwest corner of E. 24th Street and S. Avenue 9E, Yuma, Arizona.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission, has jurisdictional authority and public trust responsibilities to conserve and protect the state fish and wildlife resources. In addition, the Department manages threatened and endangered species through authorities of Section 6 of the Endangered Species Act and the Department's Section 10(a)(1)(A) permit. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations. For your consideration, the Department provides the following comments based on the agency's statutory authorities, public trust responsibilities, and special expertise related to wildlife resources and recreation.

The western burrowing owl, a special status species that is regulated under the Migratory Bird Treaty Act, may be present within the project area. If suitable habitat for this species is present (i.e. burrows in the ground), the Department recommends conducting an occupancy survey for western burrowing owls to determine if this species occurs within your project footprint. Guidelines for conducting this survey are found in [Burrowing Owl Project Clearance Guidance for Landowners](#)¹. Please note that the survey should be conducted by a surveyor who is certified by the Department or has similar training and qualifications. If an active burrowing owl burrow

¹ <https://www.azgfd.com/wildlife/speciesofgreatestconservneed/raptor-management/burrowing-owl-mangement/>

azgfd.gov | 928.342.0091

YUMA OFFICE: 9140 E. 28TH ST., YUMA AZ 85365

GOVERNOR: KATIE HOBBS **COMMISSIONERS:** CHAIRMAN JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON
MARSHA PETRIE SUE, SCOTTSDALE | LELAND S. "BILL" BRAKE, ELGIN **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

is detected, please contact the Department and the [U.S. Fish and Wildlife Service](#)² for direction, in accordance with the *Burrowing Owl Project Clearance Guidance for Landowners*.

Additionally, Department recommends the following best management practices for wildlife and their habitat that may be affected by this project:

- The Department recommends minimizing the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects, and pathogens. This can be accomplished by taking precautions to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. Also, see the [Arizona Department of Agriculture website](#)³ for a list of prohibited and restricted noxious weeds and the [Arizona Native Plant Society](#)⁴ for recommendations on how to control them. A great resource to view a list of documented invasive species or to report invasive species in or near your project area is [iMapInvasives](#)⁵, a national cloud-based application for tracking and managing invasive species.
- The Department recommends revegetating disturbed areas with native drought-tolerant species that represent the pre-construction vegetation characteristics and the surrounding landscape. Landscaping with native plants can help support wildlife and pollinator species in the area while reducing dust and erosion.
- If trenching will occur for the proposed project, the Department recommends that trenching and backfilling crews work close together to minimize the amount of open trenches at any given time. Where trenches cannot be back-filled immediately, the Department recommends escape ramps be constructed at least every 90 meters. Escape ramps can be short lateral trenches or wooden planks sloping to the surface. The slope should be less than 45 degrees (1:1). Trenches that have been left open overnight should be inspected and animals removed prior to backfilling.
- Artificial lighting could impair the ability of nocturnal animals to navigate (e.g., owls, migratory birds, bats, and other nocturnal mammals), and may affect reptile populations. If construction activities are to take place between sunset and sunrise, the Department recommends using only the minimum amount of light needed for safety. If feasible, narrow spectrum lighting is wildlife-friendly and should be used as often as possible to minimize the number of species affected by lighting. It is also beneficial that all lighting is shielded, canted, or cut to minimize the amount of upward shining light.
- The Department would also like to encourage private developers and The City of Yuma to use the [Arizona Online Environmental Review Tool](#)⁶ administered by the Department's Heritage Data Management System (HDMS) as part of their standard operating procedure for review of new construction and development. This tool is a useful resource that provides baseline information on special status species such as Arizona's Species of

² <https://www.fws.gov/office/arizona-ecological-services/contact-us>

³ <https://www.invasivespeciesinfo.gov/unitedstates/az.shtml>

⁴ <https://aznps.com/invas>

⁵ <https://imap.natureserve.org/imap/services/page/map.html>

⁶ <https://ert.azgfd.gov/>

Greatest Conservation Need and Species of Economic and Recreational Importance. The Department entered this project as an example (please see the attached HDMS report).

Thank you for the opportunity to provide input on ZONE-40827-2022. For further coordination, please contact Teigan Williams at tstruck@azgfd.gov or 928-341-4069.

Sincerely,

Tyler Williford Digitally signed by Tyler Williford
Date: 2023.01.31 17:07:24
-07'00'

A. Tyler Williford
Habitat, Evaluation, and Lands Program Supervisor - Region IV

AZGFD #M23-01122534

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: January 9, 2023

Location: On-Site

Attendees: Alyssa Linville, City of Yuma; Randy Crist, City of Yuma; Kevin Dahl, Applicant's Agent; Dave Bickel, Applicant's Agent; Brian Hall, Applicant; Brett Hall, Applicant; Brandon Hall, Applicant; 2 neighbors in attendance.

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- **NEIGHBOR WAS CONCERNED ABOUT THE PROPOSED PROJECT LOCATION, AND THAT MULTI-FAMILY COULD NEGATIVELY IMPACT THEIR PROPERTY VALUE.**
- **NEIGHBOR VOICED CONCERN ABOUT THE POTENTIAL TRAFFIC IMPACT AND THAT THEY WERE NOT SATISFIED WITH THE INGRESS/EGRESS OF THE SITE STRICTLY BEING LOCATED ON 24TH STREET. APPLICANT STATED THAT THE PROPOSED PROJECT WOULD HAVE LITTLE IMPACT ON THE EXISTING ROADWAYS.**
- **NEIGHBOR ASKED WHEN DEVELOPMENT MIGHT OCCUR. APPLICANT INDICATED THAT DEVELOPMENT WOULD OCCUR AS SOON AS POSSIBLE, WHICH COULD BE DEPENDENT ON MARKET CONDITIONS.**
- **NEIGHBOR VOICED CONCERN ABOUT EXISTING CONDITIONS OF THE SEWER LINES. STAFF AND APPLICANT WERE UNAWARE OF ANY EXISTING ISSUES WITH THE SEWER INFRASTRUCTURE.**
- **NEIGHBOR WAS CONCERNED THAT RENTAL UNITS WOULD RESULT IN SECTION 8 HOUSING. STAFF STATED THAT INCOME LEVELS HAVE NO BEARING ON REZONING APPLICATIONS, AS ALL ARE ENTITLED TO HOUSING. THE APPLICANT WENT ON TO STATE THAT IN TODAY'S MARKET, RENTAL COSTS ARE OFTEN HIGHER THAN MORTGAGE PAYMENTS.**
- **THE APPLICANT ENCOURAGED THE NEIGHBORS TO VISIT CURRENT MULTI-FAMILY PROJECTS BEING CONSTRUCTED, AS AN OPPORTUNITY TO SEE THE POSITIVE IMPACT THIS DEVELOPMENT COULD HAVE ON THE AREA.**
- **NEIGHBOR STATED THAT THEY WOULD ONLY BE IN FAVOR OF LARGE SINGLE-FAMILY DEVELOPMENT.**

ATTACHMENT F
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code
HAGEDORN KEVIN SEAN	13835 E 52ND DR	YUMA, AZ 85367
BRAVO JESUS E & THERESA L JT	2427 S ALONDRA WAY	YUMA, AZ 85365
CRS IRREVOCABLE TRUST	8892 E 24TH PL	YUMA, AZ 85365
SERVIN LUIS E & DIANA L	8884 E 24TH PL	YUMA, AZ 85365
AVALOS JOSE A & ARACELY	8860 E 24TH PL	YUMA, AZ 85365
PEARSON JEFFREY C	1275 FALSPAR ST	SAN DIEGO, CA 92109
RETA ERIK M	6765 E TELEGRAPH ST	YUMA, AZ 85365
VANCE JOHN MICHAEL	8800 E 24TH PL	YUMA, AZ 85365
CREEL ANGELA L	8792 E 24TH PL	YUMA, AZ 85365
KOEPP PATRICK E & VERONICA R JT	8770 E 24TH PL	YUMA, AZ 85365
TRUJILLO HECTOR & MARTHA JT	8754 E 24TH PL	YUMA, AZ 85365
GARCIA JUAN & ELSA JT	8732 E 24TH PL	YUMA, AZ 85365
FLETCHER MONICA C	8710 E 24TH PL	YUMA, AZ 85365
KGR HOLDINGS LLC	350 W 16TH ST SUITE 332	YUMA, AZ 85364
SAGUARO DESERT LAND INC AZ	3064 S AVENUE B	YUMA, AZ 85364
ARIZONA WESTERN COLLEGE POLITICAL SUB	PO BOX 929	YUMA, AZ 85366
USA	7341 E 30TH ST STE A	YUMA, AZ 85365
SCHUTTE STEVEN D & SHANNON JT	9125 E 22ND LN	YUMA, AZ 85364
WILSON STEVEN A AND JULIE A JT	7925 E 38TH LN	YUMA, AZ 85365
MEDINA TRUST 5-3-2022	8690 E 24TH PL	YUMA, AZ 85365

**ATTACHMENT G
NEIGHBOR MAILING**

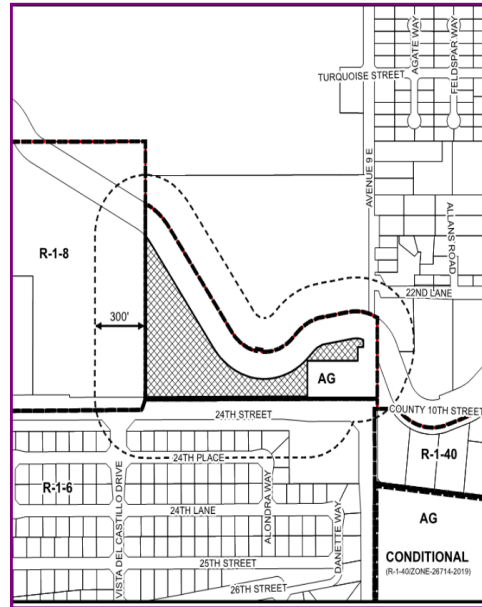
This is a request by Dahl, Robins, and Associates, on behalf of Saguaro Desert Land, Inc., to rezone approximately 7 acres from the Agriculture (AG) District to the Medium Density Residential (R-2) District, for the property located at the northwest corner of E. 24th Street and S. Avenue 9E, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION**

FOR CASE #
ZONE-40827-2022

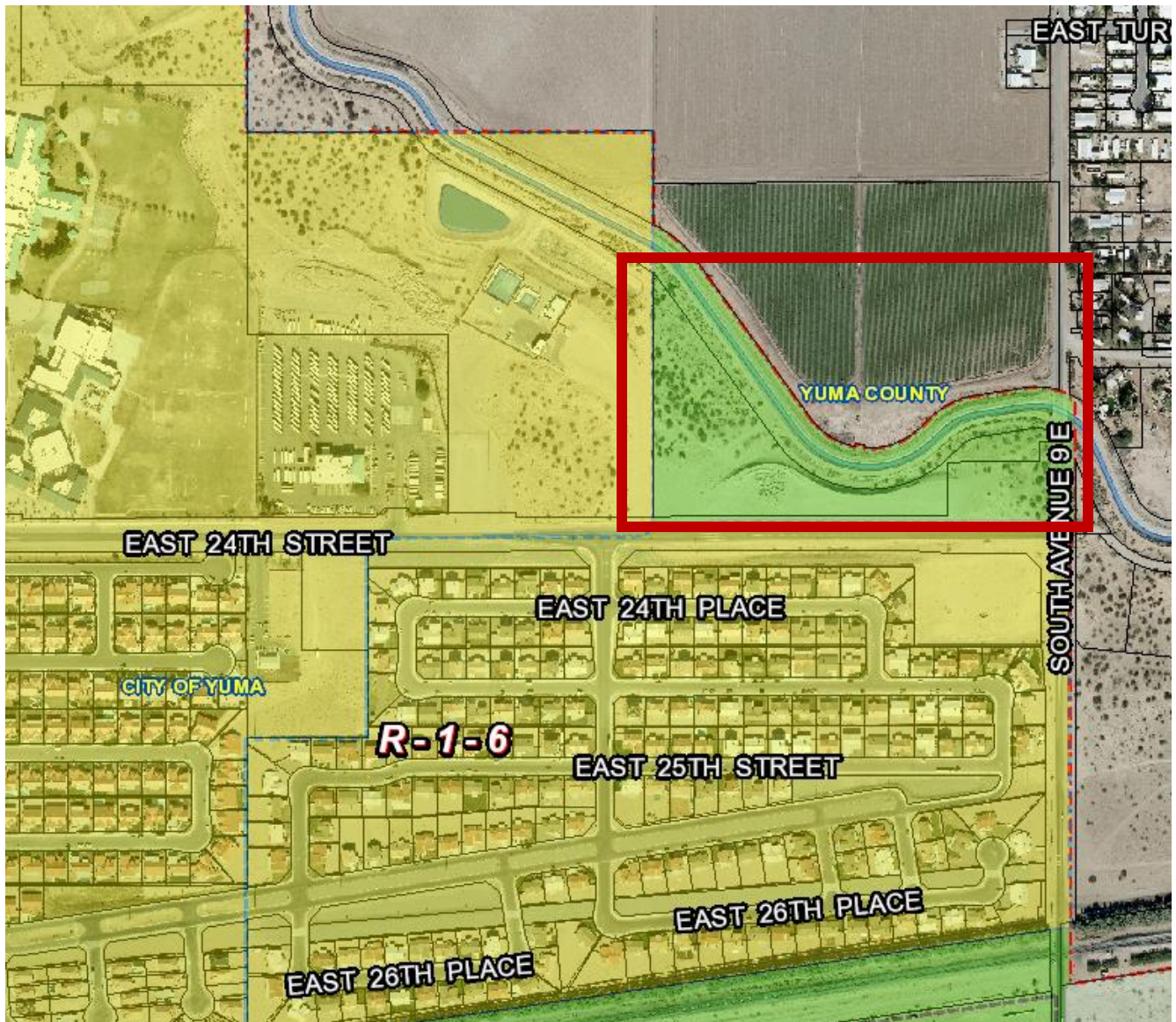
NEIGHBORHOOD MEETING
01/10/2023 @ 5:00 PM
ON-SITE

PUBLIC HEARING
02/13/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the NWC of east 24th Street and south Avenue 9E Yuma, AZ you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Alyssa Linville by phone at (928) 373-5000 ext. 3037 or by email at Alyssa.Linville@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO





**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: BOB BLEVINS**

Hearing Date: February 13, 2023

Case Number: ZONE-40917-2022

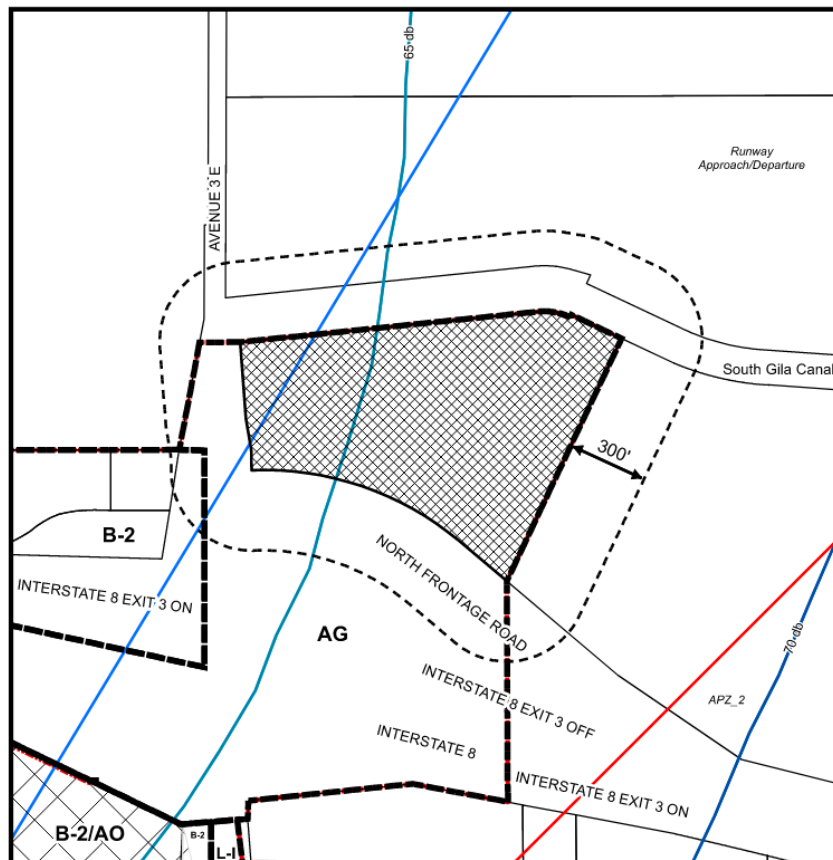
Project

Description/Location:

This is a request by Dahl, Robins, and Associates, on behalf of Yuma Real Estate, LLC, to rezone approximately 20 acres from the Agriculture (AG) District to the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at the northeast corner of E. North Frontage Road and S. Avenue 3E, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Vacant	Commercial
North	County Rural Area-20 acre (RA-20)	Field in Agriculture	Agriculture
South	Agriculture (AG)	Interstate 8 /Avenue 3E Interchange	Industrial
East	County Light Industrial (LI) / County General Commercial (C-2)	Vacant	Industrial
West	Agriculture (AG)	Arby's Restaurant	Agriculture / Resort Recreation Open Space

Location Map



Prior site actions: Annexation: ANEX-36475-2021 (07/12/2022).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the General Commercial/Aesthetic Overlay (B-2/AO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-40917-2022 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to the City Council for the request to rezone approximately 20 acres from the Agriculture (AG) District to the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at the northeast corner of E. North Frontage Road and S. Avenue 3E, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: **Request:**
The applicant is proposing a travel center on this approximately 20 acre parcel. Since the travel center will have fuel sales, drive-thru lanes, and a convenience store, the travel center will need a Conditional Use Permit (CUP) in the B-2 District. All aspects of the project, encompassing: circulation, access points, drive aisles, and building placement can be approved on the site plan which will be submitted for CUP review.

Additionally- since the property is located at a Gateway Interchange as identified in the General Plan, the Aesthetic Overlay (AO) will be attached to the rezoning, and the Design and Historic Review Commission (DHRC) will review the exterior appearance, including: buildings, colors, textures, signage, lighting, and landscaping. The AO is an overlay district intended to enhance the community's attractiveness through the creation of visually pleasing and inviting entryways in the City of Yuma.

Zoning & General Plan:

The General Commercial (B-2) District allows for a variety of commercial uses including retail sale of goods, repair shops and services, restaurants, grocery stores, offices and miscellaneous social services. When the subject property is developed, the property will be required to meet all development standards as required of the Yuma City Code. These development requirements include paved parking, access, setbacks, height limitations, landscaping, and lighting.

Upon approval of a rezoning case such as this, the next steps for the applicant would be to apply for a Conditional Use Permit (CUP), which is a public hearing item with public notice. Then the review of the aesthetics from the DHRC needs to be completed prior to approval of building permits.

The request to rezone the property from the Agriculture (AG) District to the General Commercial/Aesthetic Overlay (B-2/AO) District is in conformance with the General Plan.

The Arizona Department of Transportation (ADOT) The ADOT comments:

“The Southwest District requires that a Traffic Impact Analysis (TIA) be completed for the proposed development. We would like to assess the potential impacts the new development will have on the Ave 3E Traffic Interchange and surrounding area. The Developer will need to submit an encroachment permit application for new access or change of existing access to the State Highway.”

1. Does the proposed zoning district conform to the Land Use Element?

Yes.

Land Use Element:									
Land Use Designation:				Commercial					
Issues:				None					
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:		Yes		No	X				

2. Are there any dedications or property easements identified by the Transportation Element?

No.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue 3E- 4 Lane Principal Arterial	50 FT H/W ROW	50-139 FT H/W ROW	X		X	X
Bicycle Facilities Master Plan	Gila Gravity Canal- Proposed Shared Use Path & North Frontage Road- Proposed Bile Lane					
YCAT Transit System	Avenue 3E and 24 th Street- Gold Route.					
Issues:	None					

3. Does the proposed rezoning of the property conform to the remaining elements of the General Plan?

Yes.

Parks, Recreation and Open Space Element:										
Parks and Recreation Facility Plan										
Neighborhood Park:	Existing: None				Future: None					
Community Park:	Existing: None				Future: None					
Linear Park:	Existing: None				Future: Gila Main Canal Linear Park					
Issues:		None								
Housing Element:										
Special Need Household:		N/A								
Issues:		None								
Redevelopment Element:										
Planned Redevelopment Area:		None								
Adopted Redevelopment Plan:		North End:			Carver Park:			None:	X	
Conforms:		Yes	X	No						
Conservation, Energy & Environmental Element:										
Impact on Air or Water Resources		Yes		No	X					

Renewable Energy Source	Yes		No	X			
Issues:	None						
Public Services Element:							
Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person	Dwellings & Type		Projected Population	Police Impact	Water Consumption	Wastewater Generation	
	<i>Non-residential</i>						
	Maximum	Per Unit		Officers	GPD	AF	
	0	0	0	0.00	0	0.0	
	Minimum						
	0	0	0	0.00	0	0.0	
Fire Facilities Plan:		Existing: Fire Station #3		Future: Future Fire Station #8			
Water Facility Plan:		Source:	City	X	Private	Connection: 12" PVC on Avenue 3E.	
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	Connection: None- closest is west side of Avenue 3E (near Arby's).
Issues:		None					
Safety Element:							
Flood Plain Designation:		Zone X		Liquefaction Hazard Area:		Yes	
Issues:		None					
Growth Area Element:							
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St		Avenue B & 32 nd St.	
	North End		Pacific Ave & 8 th St		Estancia	None	
Issues:	None						

4. Does the proposed rezoning conform to the adopted facilities plan?

Yes.

5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?

Yes.

Public Comments Received: None

External Agency Comments: See Attachment D.

Neighborhood Meeting Comments: N/A

Proposed conditions delivered to applicant on: 01/25/23

Final staff report delivered to applicant on: 01/31/23

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: 01/27/23
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D	E	F
Conditions of Approval	Agency Notifications	Agency Comments	Neighbor Mailing	Neighbor Notification List	Aerial Photo

Prepared By:*Robert M. Blevins***Date:** 01/30/23Robert M. Blevins
Principal Planner

Robert.Blevins@yumaaz.gov (928) 373-5189

Approved By:*Alyssa Linville***Date:** 02/02/2023Alyssa Linville
Director of Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director of Planning and Neighborhood Services (928) 373-5000, x 3037:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement and Range Disclosure on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Engineering Comments: Andrew McGarvie, Engineering Manager (928) 373-5000, x 3043:

4. Owner/Developer shall dedicate a 1 foot non-access easement along the Avenue 3E & 24th Street frontages, accept for approved driveway locations.
5. Owner/Developer shall dedicate right-of-way, then design, and construct the final traffic improvements as required by a traffic study being administrated by the local Arizona Department of Transportation (ADOT) office.

Community Planning, Robert M. Blevins, Principal Planner (928) 373-5189:

6. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 01/20/23
- 300' Vicinity Mailing: 12/26/22
- 34 Commenting/Reviewing Agencies noticed: 12/29/22
- Hearing Date: 02/13/23
- Comments due: 01/09/23

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	01/10/23		X	X
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	01/03/23		X	
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	01/09/23		X	X
Yuma Proving Ground	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	01/03/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	YES	01/12/23		X	
Fire	YES	12/29/22	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	01/09/23			X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C
AGENCY COMMENTS

The subject property is fully within the 70-74dB noise zone, within the Arrival and Departure Corridor, and adjacent, but outside, Runway 21R Accident Potential Zone (APZ) - 2. The following condition applies; Measures to achieve noise level reduction (NLR) of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low. Thank you for the opportunity to review and comment.

DATE: 1/10/23 NAME: Gladys Brown, TITLE: Airport Director
C.M., C.A.E.

AGENCY: Yuma County Airport Authority, Inc.

PHONE: 928-726-5882

Enter conditions here: MCAS Yuma has reviewed this request for APN 180-36-034 and offer the following comments: Subject property is fully within the 70-74dB noise zone, within the Arrival and Departure Corridor, and adjacent, but outside, Runway 21R Accident Potential Zone (APZ) - 2. The following condition applies; Measures to achieve noise level reduction (NLR) of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low. Thank you for the opportunity to review and comment.

DATE: 9 Jan 2023 NAME: Antonio Martinez TITLE: Community Liaison
Specialist

CITY DEPT: MCAS Yuma
PHONE: 928-269-2103

Arizona Game and Fish Department
Project ID: HGIS-18132

project_report_zone_40917_2022_57084_58839.pdf
Review Date: 1/9/2023 09:42:47 AM

Project Location and/or Species Recommendations:

HDMS records indicate that one or more **Listed, Proposed, or Candidate** species or **Critical Habitat** (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at <https://www.fws.gov/office/arizona-ecological-services> or:

Phoenix Main Office

9828 North 31st Avenue #C3
Phoenix, AZ 85051-2517
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office

201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office

SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

HDMS records indicate that **Western Burrowing Owls** have been documented within the vicinity of your project area. Please review the western burrowing owl resource page at:

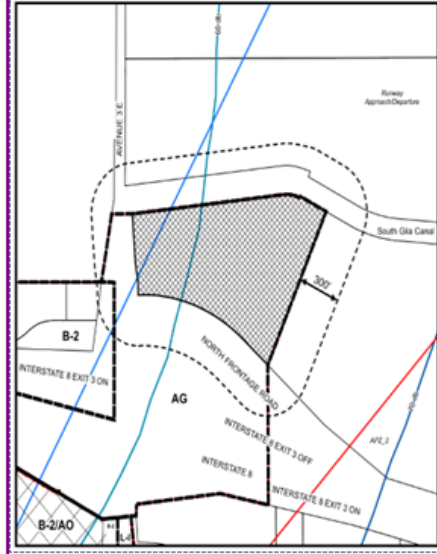
<https://www.azgfd.com/wildlife/speciesofgreatestconservneed/burrowingowlmanagement/>.

**ATTACHMENT D
NEIGHBOR MAILING**

This is a request by Dahl, Robins, and Associates, on behalf of Yuma Real Estate, LLC, to rezone approximately 20 acres from the Agriculture (AG) District to the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at the northeast corner of E. North Frontage Road and S. Avenue 3E, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-40917-2022**

PUBLIC HEARING
02/13/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



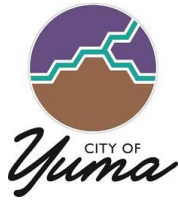
Because you are a neighbor within 300' of the northeast corner of E. North Frontage Road and S. Avenue 3E, Yuma, AZ you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928) 373-5189 or by email at Robert.Blevins@YumaAz.gov

ATTACHMENT E
NEIGHBOR NOTIFICATION LIST

PARCEL_ID	Name	Address	City	State	ZIP
18036002	JWS ROYAL LLC	502 E MARLETTE AVE	PHOENIX	AZ	85012
18036034	YUMA REAL ESTATE LLC	8572 VIZELA WAY	ELK GROVE	CA	95757
18036035	A.O.Y.B. L.L.C.	190 S MADISON AVE STE 2	YUMA	AZ	85364
66652002	WILSON JOSEPH J & WILMA C TRUST 12-1- 93	2000 S AVENUE 3E	YUMA	AZ	85365
18035001	CALIFORNIA FARMING CO	10580 PROSPECT AVE STE 200	SANTEE	CA	92071

ATTACHMENT F
AERIAL PHOTO





STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: ERIKA PETERSON

Hearing Date: February 13, 2023

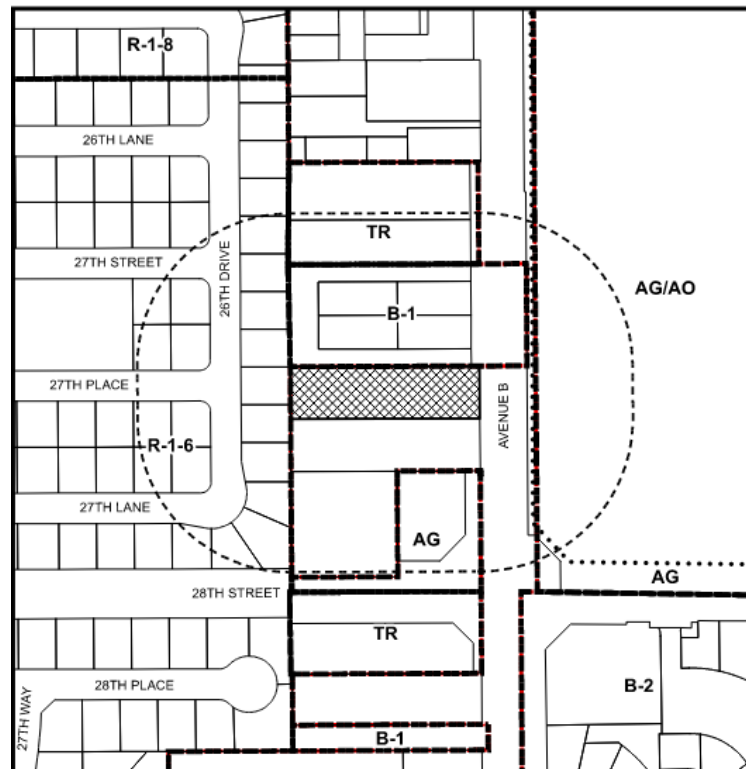
Case Number: ZONE-40918-2022

Project Description/Location:

This is a request by Dahl, Robins & Associates, Inc. on behalf of Maha, LLC, to rezone approximately .87 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District, for the property located at 2774 S. Avenue B, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG) District	Vacant	Mixed Use
North	Limited Commercial (B-1) District	Undeveloped	Mixed Use
South	Agriculture (AG) District	Tire Shop	Mixed Use
East	Agriculture (AG) District	Yuma County Juvenile Detention Center	Public/Quasi Public
West	Low Density Residential (R-16) District	Single-family Residence	Low Density Residential

Location Map



Prior site actions: General Plan Amendment: Resolution No. R2005-40 (April 20, 2005);
Annexation: Ord. O2023-00 (January 18, 2023)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the Limited Commercial (B-1) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-40918-2022 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommended approval to City Council for the request to rezone approximately .87 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District, for the property located at 2774 S. Avenue B, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: Recently annexed into the City of Yuma, the subject property is located at 2774 S. Avenue B. The site, approximately .87 acres, is currently undeveloped.

The applicant is requesting to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District for the purposes of developing the site with commercial uses, such as a mini-storage facility. While the intended development of the site is for a mini-storage facility, the rezoning to the Limited Commercial (B-1) would allow other commercial uses such as medical offices and labs, retails sales of goods, repair shops and services, restaurants, grocery stores and miscellaneous services.

In addition, the request to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District is in conformance with the General Plan.

The development of a mini-storage will require a Conditional Use Permit. All development standards outlined under the Limited Commercial, Conditional Uses for self-storage will apply. Some of these development standards include: all storage shall be within an enclosed building, proper screening by a minimum six-foot high solid wall or fence, paved loading/unloading areas, access and parking.

1. Does the proposed zoning district conform to the Land Use Element?

Land Use Element:									
Land Use Designation:				Mixed Use					
Issues:				None					
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:		Yes		No	X				

2. Are there any dedications or property easements identified by the Transportation Element?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue B- Minor Arterial	50 Foot H/W	47 Foot H/W				X

Bicycle Facilities Master Plan	Future Avenue B Bike Lanes
YCAT Transit System	28 th Street and 23 rd Avenue: Purple Route 6A
Issues:	Non

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?

Parks, Recreation and Open Space Element:															
Parks and Recreation Facility Plan															
Neighborhood Park:		Existing: Ponderosa Park					Future: Ponderosa Park								
Community Park:		Existing: Yuma Valley Park					Future: Yuma Valley Park								
Linear Park:		Existing: East Main Canal Linear Park					Future: Thacker Lateral								
Issues:		None													
Housing Element:															
Special Need Household:		N/A													
Issues:		None													
Redevelopment Element:															
Planned Redevelopment Area:		N/A													
Adopted Redevelopment Plan:		North End:				Carver Park:				None:		X			
Conforms:		Yes				No				N/A					
Conservation, Energy & Environmental Element:															
Impact on Air or Water Resources		Yes				No		X							
Renewable Energy Source		Yes				No		X							
Issues:															
Public Services Element:															
<u>Population Impacts</u> Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person				Dwellings & Type		Projected Population		Police Impact		Water Consumption		Wastewater Generation			
				<i>Non-residential</i>						Officers		GPD		AF	
				Maximum		Per Unit									
				0		0		0		0.00		0		0.0	
				Minimum											
0		0		0		0.00		0		0.0		0			
Fire Facilities Plan:		Existing: Fire Station No. 4					Future: Yuma Fire Station C								
Water Facility Plan:		Source:		City		X		Private		Connection:		Avenue B - 12" AC			
Sewer Facility Plan:		Treatment:		City				Septic		X		Private			
Issues:		Utility extensions required to the site, currently on septic system.													
Safety Element:															
Flood Plain Designation:		500 Year Flood Zone				Liquefaction Hazard Area:				Yes		X			
Issues:		None													
Growth Area Element:															
Growth Area:		Araby Rd & Interstate 8				Arizona Ave & 16 th St				Avenue B & 32 nd St.		X			
		North End				Pacific Ave & 8 th St				Estancia					
Issues:		N/A													

4. Does the proposed rezoning conform to the adopted facilities plan?

Yes.

5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?

Yes.

Public Comments Received: None Received.

External Agency None Received.
Comments:

Neighborhood Meeting No Meeting Required.
Comments:

Proposed conditions delivered to applicant on: 1/18/2023

Final staff report delivered to applicant on: 2/6/2023

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: 1/18/2023
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D	E
Conditions of Approval	Agency Notifications	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Erika Peterson*

Date: 1/30/2023

Erika Peterson
Associate Planner

Erika.Peterson@YumaAZ.Gov (928)373-5000, x1234

Approved By: *Alyssa Linville*

Date: 02/02/2023

Alyssa Linville
Director, Planning & Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director (928) 373-5000, x3037:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Engineering, Andrew McGarvie, Engineering Manager, (928) 373-5000 x3044:

3. Owner/developer shall dedicate 5 feet additional, such that the City of Yuma obtains 50 feet halfwidth along Avenue B frontage as defined in the City of Yuma Transportation Master Plan as a Minor Arterial street, and City of Yuma Construction Standard 2-015.
4. Owner/developer shall dedicate a 1 foot non access easement along the Avenue B frontage except for a City approved driveway location.

Community Planning, Erika Peterson, Associate Planner, (928) 373-5000 x3071

5. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 1/20/2023
- 300' Vicinity Mailing: 12/27/2023
- 34 Commenting/Reviewing Agencies noticed: 12/27/2023
- Site Posted on: 2/6/2023
- Neighborhood Meeting: N/A
- Hearing Date: 2/13/2023
- Comments due: 1/9/2023

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	1/5/2023	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	1/3/2023	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	1/17/2023	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	1/3/2023	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	YES	1/12/2023		X	
Fire	YES	12/29/2022	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	1/9/2023	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code
MAHA LLC	PO BOX 4145	YUMA, AZ 85366
KAZNAK STEVE & LUELLA JT	4349 W 17TH PL	YUMA, AZ 85364
SOMERTON FARMING COMPANY AZ CORP	221 S 2ND AVE	YUMA, AZ 85364
ADULT AND PEDIATRIC REHABILITATION LLC	PO BOX 5841	YUMA, AZ 85366
FOUR BOYS AZ LLC	2590 S BRANDI LN	YUMA, AZ 85364
SMITH JIM D	221 S 2ND AVE STE 1	YUMA, AZ 85364
ABC & ABC ENTERPRISES LLC	2478 S BRANDI LN	YUMA, AZ 85364
YUMA COUNTY OF	198 S MAIN ST	YUMA, AZ 85364
GAYTAN NEFI & MARIAH	2673 S 26TH DR	YUMA, AZ 85364
LUGO KARISSA	2691 S 26TH DR	YUMA, AZ 85364
SABORI MONICA	2701 S 26TH DR	YUMA, AZ 85364
CERVANTES MARIA R	2711 S 26TH DR	YUMA, AZ 85364
MEDINA VICTOR ZAZUETA	2721 S 26TH DR	YUMA, AZ 85364
LASTRA ALEJANDRO & CYNTHIA JT	2739 S 26TH DR	YUMA, AZ 85364
DIXON REYNOLDS & MARCIANA W	2749 S 26TH DR	YUMA, AZ 85364
ACOSTA DANIEL JUDE & GABRIELA JT	2767 S 26TH DR	YUMA, AZ 85364
COTA LUIS D AVALOS	2779 S 26TH DR	YUMA, AZ 85364
ESQUIVEL JOSE G	2671 W 27TH LN	YUMA, AZ 85364
RYAN ARMIDA M	2683 W 27TH LN	YUMA, AZ 85364
MOLINA JAVIER	2697 W 27TH LN	YUMA, AZ 85364
NUNEZ LESLEY	2710 W 27TH LN	YUMA, AZ 85364
AVILA ADRIAN	2707 W 27TH ST	YUMA, AZ 85364
ARELLANO MATTHEW ANTONIO	2696 W 27TH LN	YUMA, AZ 85364
SIQUEIROS MARK ANTHONY &	925 E 26TH ST	YUMA, AZ 85364
XUI DO CUON	16238 CAYENNE RIDGE RD	SAN DIEGO, CA 92127
JIMENEZ GABRIEL VICTOR & MARGARITA JT	2692 W 27TH ST	YUMA, AZ 85364
RAMIREZ OSCAR	2708 W 27TH PL	YUMA, AZ 85364
ARELLANO ALVARO & MARTHA JT	2694 W 27TH PL	YUMA, AZ 85365
MARTINEZ FELIPE E & MARIA E JT	14720 S AVENUE 4 1/2E	YUMA AZ 85365

**ATTACHMENT D
NEIGHBOR POSTCARD**

This is a request by Dahl, Robins & Associates, Inc. on behalf of Maha, LLC, to rezone approximately .87 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District, for the property located at 2774 S. Avenue B, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-40918-2022**

PUBLIC HEARING
02/13/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 2774 S. Avenue B, Yuma, AZ you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Erika Peterson by phone at (928) 373-5000 ext. 3071 or by email at Erika.Peterson@YumaAz.gov

ATTACHMENT E
AERIAL PHOTO





STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING
CASE TYPE – GENERAL PLAN AMENDMENT
Case Planner: Erika Peterson

Hearing Date: February 13, 2023

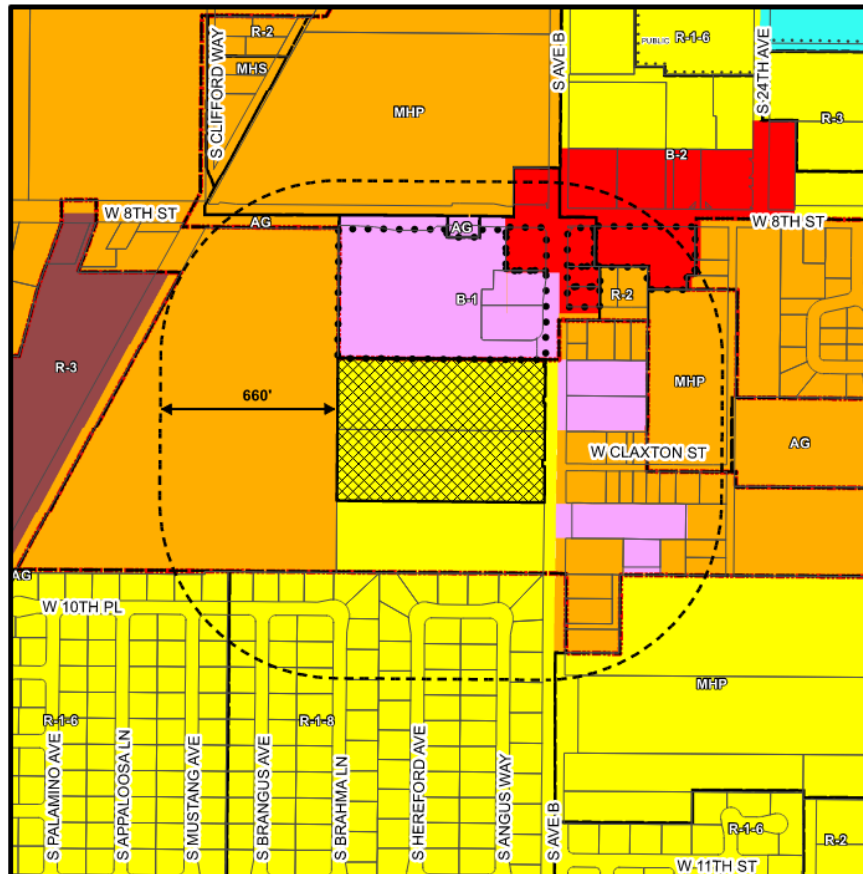
Case Number: GP-40777-2022

Project Description/Location:

This is a General Plan Amendment request by Ibrahim Osman, P.E., on behalf of Bio Realty Group, LLC, to change the land use designation from Low Density Residential to Mixed Use for approximately 9.42 acres, for the properties located at 868 S. Avenue B and 920 S. Avenue B.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	County Limited Commercial (C-1)	Agriculture and 2 single-family homes	Low Density Residential
North	Limited Commercial (B-1)	Walmart Neighborhood Market	Mixed Use
South	County Limited Commercial (C-1)	Agriculture	Low Density Residential
East	County Limited Commercial (C-1)	Restaurants and offices	Mixed Use and Medium Density Residential
West	County Manufactured Home Park (MHP)	Mobile Home Park	Medium Density Residential

Location Map



Prior site actions: Pre-Development Meeting: March 17, 2022; Annexation Ordinance O2022-035, December 16, 2022

Staff Recommendation: Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for approximately 9.42 acres from Low Density Residential to Mixed Use.

Suggested Motion: Move to APPROVE the request to change the land use designation for 9.42 acres from Low Density Residential to Mixed Use.

Staff Analysis: This is a General Plan Amendment request by Ibrahim Osman, P.E., on behalf of Bio Realty Group, LLC, to change the land use designation from Low Density Residential to Mixed Use for approximately 9.42 acres, for the properties located at 868 S. Avenue B and 920 S. Avenue B.

The existing Low Density Residential land use designation supports the following types of zoning: Suburban Ranch (SR-1), Residential Estate (RE-12, RE-18, RE-35), Low Density Single-Family Residential (R-1-5), Low Density Residential (R-1-6, R-1-8, R-1-12, R-1-20, R-1-40), and Residence-Manufactured Housing (R-MH) districts.

The proposed Mixed Use land use designation supports the following types of zoning: Low Density Single-Family Residential (R-1-5), Low Density Residential (R-1-6), Medium Density Residential (R-2), Medium Density Single-Family Residential (R-2-5), Residence-Manufactured Housing (R-MH), Manufactured Housing Subdivision (MHS), Transitional (TR), Planned Shopping Center (PSC), Limited Commercial (B-1), and Industrial Park (I-P) districts.

The applicant's intent in changing the land use designation is to pursue a rezoning of the site to Limited Commercial (B-1) to develop medical offices.

Density

The current land use designation of Low Density Residential would allow from 9 to 46 dwelling units to be constructed on the subject 9.42 acres.

The proposed Mixed Use land use designation would allow from 47 to 94 dwelling units.

Population

Information from the 2017-2021 American Community Survey provides data on population by housing unit type. The information results in an average household size of 2.5 persons per dwelling in the City of Yuma. Comparing the densities allowed within the General Plan, the potential persons expected are:

- Low Density Residential:
 - Minimum 9 homes- Expected population: 22
 - Maximum 46 homes- Expected population: 115
- Mixed Use:
 - Minimum 47 homes – Expected population: 118
 - Maximum 94 homes – Expected population: 235

The 2010 Census identified that 20% of the population within the City of Yuma was between 5 and 17 years of age. Therefore, the expected school-age population is estimated at:

- Low Density Residential
 - Minimum expected population: 22– School Age: 4

- Maximum expected population: 115 – School Age: 23
- Mixed Use:
 - Minimum expected population: 118– School Age: 24
 - Maximum expected population: 235 – School Age: 47

Transportation

The property is located southwest of Avenue B and 8th Street. Roadways to and from the site are existing and fully developed. Access to the property will be from Avenue B, a Minor Arterial, with connections to 8th Street to the north, and 12th Street to the south.

According to the City of Yuma Transportation Master Plan, Avenue B operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2021 as 15,165 vehicles on Avenue B south of the 8th Street intersection. Avenue B is currently a 4-lane roadway and is identified in the Transportation Master Plan as a Minor Arterial.

Housing

The Housing Element of the City of Yuma 2022 General Plan addresses the need to provide safe, decent, sanitary, and affordable housing for all residents. And specifically Objective 1.3 notes providing a variety of housing types:

Objective 1.3: Encourage a variety of housing types to meet all socioeconomic segments of the population, considering both full time and seasonal residents.

An Action Item of the Housing Element is to consider rezoning land for higher density residential development to promote additional rental and lower cost ownership options.

The requested land use designation change will allow a mixture of both residential and commercial development. In addition, it would increase the maximum number of dwelling units allowed per acre if residential development were to occur.

Public Services

It is a requirement of State Statute for a General Plan to identify public schools and other public buildings. The City of Yuma General Plan Public Services Element identifies the location of public/charter schools within the 3 school districts in the General Plan area. The request is located within the district boundaries of the Crane Elementary School District and the Yuma Union High School District.

According to the Crane Elementary School District Boundary Map, the elementary students in the subject area are within the boundary of Ronald Reagan School located at 3200 W. 16th Street. Junior high school students are within the boundary of Centennial Middle School located at 2650 W. 20th Street.

According to the Yuma Union High School District, the high school students are within the boundary of Yuma High School located at 400 S. 6th Avenue.

1. Does the proposed amendment impact any elements of the General Plan?

No. The elements of the General Plan will not be impacted by the proposed amendment.

Transportation Element:**FACILITY PLANS**

Transportation Master Plan	Planned	Existing
Avenue B – Minor Arterial	50 FT HW	47 FT HW
Median Disclosure	Required	

2. Does the proposed amendment impact any of the facility plans?

No. The change in land use will not significantly impact any of the facilities plans.

3. Is the proposed amendment in conflict with Council's prior actions?

No. The proposed amendment is not in conflict with Council's prior actions.

Scheduled Public Hearings:

<input checked="" type="checkbox"/>	City of Yuma Planning and Zoning Commission: February 13, 2023
<input type="checkbox"/>	City of Yuma City Council: March 1, 2023

Public Comments Received:

None Received

Agency Comments:

See Attachment A

Neighborhood Meeting Comments:

None Received

Attachments

A	B	C	D
Agency Comments	Staff Worksheet	Neighbor Notification List	Aerial Photo

Prepared By:

Erika Peterson

Date:

1/27/2023

Erika Peterson
Associate Planner

Erika.Peterson@YumaAZ.Gov (928)373-5000, x3071

Reviewed By:

Jennifer L. Albers

Date:

1/27/23

Jennifer L. Albers, AICP
Principal Planner

Approved By:

Alyssa Linville

Date:

02/02/2023

Alyssa Linville,
Director of Planning and Neighborhood Services


**ATTACHMENT A
AGENCY COMMENTS**

DATE:	1/10/2023	NAME:	Omar Peñuñuri	TITLE:	Sr. Engineering Tech
AGENCY:	Yuma County Water Users' Association			PHONE:	(928)627-8824, Ext. 25
<i>Enter comments below:</i>					
<p>The YCWUA will need to review construction (when available) plans at the preliminary, 15%, 30%, 60%, 90%, etc. for review/comments accordingly.</p> <p>- The landowner(s) has/have the option to convert the water rights for Serial No. 1049 & 1049-1. Please let me know if the landowner(s) will be proceeding with a water conversion.</p>					

DATE:	1/9/2023	NAME:	Andrew McGarvie	TITLE:	Engineering Manager
AGENCY:	Development Engineering			PHONE:	(928)373-5000, Ext. 3044
<i>Enter comments below:</i>					
<p>1). The existing r-o-w along the frontage of Ave appears to be 47 feet half width. The City of Yuma Transportation Master Plan indicates that Avenue B at this location will be a 4 lane principal Arterial Street with a City standard 50 foot half width, per City of Yuma construction standard 2-015. This will cause the need for a 3-foot dedication request at the time the property is rezoned.</p> <p>2). At the time the property is rezoned, the City of Yuma Engineering Department will request a traffic Impact statement for the facility based on the trip generation manual, indicating the peak hour traffic usage, from an Arizona registered civil engineer with traffic experience. If the peak hour usage exceeds 100 trips per hour, the City of Yuma Engineering will request a full traffic study for the site.</p>					

DATE:	1/18/2023	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
AGENCY:	MCAS Yuma			PHONE:	(928)269-2103
<i>Enter comments below:</i>					
<p>Subject parcel is located approximately 0.5 miles from Kiwanis Park, a known landing site for the Weapons and Tactics Instructors (WTI) Course. It is requested an Avigation Easement is recorded that recognizes the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation **</p>					

**ATTACHMENT B
STAFF WORKSHEET**

	STAFF RESEARCH- GENERAL PLAN AMENDMENT CASE #: GP-40777-2022 CASE PLANNER: ERIKA PETERSON
---	--

I. PROJECT DATA

Project Location:		868 S. Avenue B and 920 S. Avenue B												
Parcel Number(s):		664-04-030 and 664-04-031												
Parcel Size(s):		4.71 and 4.71 acres												
Total Acreage:		9.42												
Proposed Dwelling Units:		Maximum:		94		Minimum:		47						
Address:		868 S. Avenue B and 920 S. Avenue B												
Applicant:		Bio Realty Group, LLC												
Applicant's Agent:		Ibrahim Osman, P.E.												
Land Use Conformity Matrix:		Current Zoning District Conforms:						Yes		No	X			
Zoning Overlay:	Public		AO		Auto		B&B		Historic		Infill		None	X
	Airport		Noise Contours	65-70		70-75		75+		APZ1		APZ2		CLEAR ZONE

	Existing Zoning	Current Use	General Plan Designation
Site	County Limited Commercial (C-1)	Agriculture and 2 single-family homes	Low Density Residential
North	Limited Commercial (B-1)	Walmart Neighborhood Market	Mixed Use
South	County Limited Commercial (C-1)	Agriculture	Agriculture Low Density Residential
East	County Limited Commercial (C-1)	Restaurants and offices	Mixed Use and Medium Density Residential
West	County Manufactured Home Park (MHP)	Mobile Home Park	Medium Density Residential

Prior Cases or Related Actions:											
---------------------------------	--	--	--	--	--	--	--	--	--	--	--

Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	ANEX-39735-2022 Adopted 12/16/22
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes		No	N/A
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	Date: 3/17/22
Enforcement Actions	Yes		No	N/A

Land Division Status:	Legal Lots of Record (entire parcels)									
Irrigation District:	YCWUA									
Adjacent Irrigation Canals & Drains:	Thacker Canal									
Water Conversion: (5.83 ac ft/acre)	54.9 Acre Feet a Year									
Water Conversion Agreement Required	Yes	X	No							

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:	Low Density Residential									
Issues:	N/A									
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X		
Historic Buildings on Site:	Yes		No	X						

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue B – Minor Arterial	50 Ft HW	47 Ft HW				X
Median Covenant	Required					
Bicycle Facilities Master Plan	Avenue B Bike Lanes					
YCAT Transit System	Avenue B: Green Route 4					
Issues:						

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan			
Neighborhood Park:	Existing: Kiwanis Park	Future: Kiwanis Park	
Community Park:	Existing: Joe Henry Park Complex	Future: Joe Henry Park Complex	
Linear Park:	Existing: East Main Canal Linear Park	Future: Thacker Lateral	
Issues:			

Housing Element:

Special Need Household:	N/A
Issues:	

Redevelopment Element:

Planned Redevelopment Area:	N/A						
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X	
Conforms:	Yes		No				

Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes		No	X	
Renewable Energy Source	Yes		No	X	
Issues:					

Public Services Element:

Population Impacts Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan: Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person		Dwellings & Type <i>2-4 Units</i>		Projected Population	Police Impact	Water Consumption		Wastewater Generation
		Maximum	Per Unit		Officers	GPD	AF	GPD
		94	2.5	235	0.44	48,645	54.5	16,450
		Minimum						
		47	2.5	118	0.22	24,323	27.2	8,225
Fire Facilities Plan:		Existing: Fire Station No. 4				Future: Yuma Fire Station C		
Water Facility Plan:		Source:	City	X	Private	Connection:		
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	Connection:	
Issues:		Issues: Utility extensions required to the site, currently on septic system.						

Safety Element:

Flood Plain Designation:	500 Year Flood Zone	Liquefaction Hazard Area:	Yes	X	No		
Issues:							

Growth Area Element:

Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St		Avenue B & 32 nd St.		
Issues:	North End		Pacific Ave & 8 th St		Estancia		None X

NOTIFICATION

- **Legal Ad Published: The Sun** 1/28/23
- **Display Ad Published:** 1/28/23
- **660' Vicinity Mailing:** 1/16/23
- **54 Commenting/Reviewing Agencies noticed:** 11/22/22
- **Site Posted:** 12/5/22
- **Neighborhood Meeting:** 12/8/22
- **Hearing Dates:** 2/13/22 & 3/15/22
- **Comments Due:** 1/24/23

External List	Response Received	Date Received	"No Comment"	Written Comment
Yuma Metropolitan Planning Organization (ARS)	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning (ARS)	NR			
Yuma County Public Works	NR			
Yuma County Airport Authority	NR			
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 (ARS)	NR			
Yuma Elementary School District #1 (ARS)	NR			
Crane School District #13 (ARS)	NR			
City of San Luis (ARS)	NR			
City of Somerton (ARS)	NR			
Imperial County, California (ARS)	NR			
Qwest Communications (ARS)	NR			
Arizona Public Service (ARS)	NR			
Time Warner Cable (ARS)	NR			
Southwest Gas (ARS)	NR			
Arizona Department of Transportation	YES	12/13/22	X	
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce (ARS)	NR			
Arizona State Attorney General (ARS)	YES	12/15/22	X	
Arizona Dept. of Water Resources (ARS)	NR			
Arizona State Land Department (ARS)	NR			
MCAS / C P & L Office (ARS)	YES	1/18/2023		
Bureau of Land Management (ARS)	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	YES	12/19/22	X	
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	YES	1/10/23		X
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			

AZ Society of Professional Engineers (ASPE)	NR			
El Paso Natural Gas Co.	NR			
Western Area Power Administration	YES	12/14/22	X	

City of Yuma Internal List	Response Received	Date Received	"No Comment"	Written Comment
Susan Smith, Police	NR			
Rod Hamilton, Police	NR			
Eric Urfer, Parks and Rec – Admin	NR			
City Engineer	NR			
Traffic Engineer	NR			
Andrew McGarvie, Engineering	YES	1/9/203		X
Kayla Franklin, Fire – Prevention	YES	12/12/22	X	
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
12/28/22	None provided
Prop. 207 Waiver	
Received by Owner's signature on the application for this land use action request.	

ATTACHMENT C
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City	State	Zip Code
WAL-MART STORES INC DE CORP	PO BOX 8050	BENTONVILLE	AR	72712
CORONA ESTELA L	1035 S MUSTANG AVE	YUMA	AZ	85364
VILLANEDA DANIEL JR & BERNADETTE A CPWROS	1067 S ANGUS WAY	YUMA	AZ	85364
NAKASAWA RICHARD & PAMELA TRUST 7-15-98	1083 S ANGUS WAY	YUMA	AZ	85364
HOPPER PAUL A ETAL	PO BOX 5331	YUMA	AZ	85366
ECHENIQUE JILL BASSETTI	402 BASSETT ST	KING CITY	CA	93930
FRITZ STEVEN F	2720 W 10TH PL	YUMA	AZ	85364
SANT ROBERT F & BARBARA JT	2736 W 10TH PL	YUMA	AZ	85364
MC GUIRE FRANCIS X & MARION JT	1034 S BRANGUS AVE	YUMA	AZ	85364
EVANS DUANE K & RAMONA SIMPSON JT	1050 S BRANGUS AVE	YUMA	AZ	85364
MATTHEWS MARGARITA R TRUST 6-21-02	1063 S BRAHMA LN	YUMA	AZ	85364
PUGH BREANNE T & ARTHUR J JT	1047 S BRAHMA LN	YUMA	AZ	85364
FELIX MATTHEW & VERONICA CPWROS	1031 S BRAHMA LN	YUMA	AZ	85364
HOEFT DAVID R	2660 W 10TH PL	YUMA	AZ	85364
RUEDA EDGAR	2676 W 10TH PL	YUMA	AZ	85364
ITEM MARILYN SUE	2677 W 10TH PL	YUMA	AZ	85364
BRINKMAN KEVIN L	1046 S BRAHMA LN	YUMA	AZ	85364
MENDOZA VICTOR M	1062 S BRAHMA LANE	YUMA	AZ	85364
HERNANDEZ JUAN JOSE	1065 S BRANGUS AVE	YUMA	AZ	85364
CARAWAY STEPHANIE E ETAL JT	1049 S BRANGUS AVE	YUMA	AZ	85364
RAMOS DENISE ROCIO	2705 W 10TH PL	YUMA	AZ	85364
GREENE STACY	2704 W 10TH PL	YUMA	AZ	85364
GONZALEZ SALVADOR	1092 S HEREFORD AVE	YUMA	AZ	85364
HYLLAND DAVID E & JULIE L JT	1078 S HEREFORD AVE	YUMA	AZ	85364
ROJAS DIXIE	1084 S ANGUS WAY	YUMA	AZ	85364
WOODWELL JACQUELINE JOSETTE & JONATHAN ROGER	1072 S ANGUS WAY	YUMA	AZ	85364
GUTIERREZ JAVIER H & ELVA JT	2525 W 10TH PL	YUMA	AZ	85364
HOOKSTRA GLENN M & CINDY LU JT	1064 S HEREFORD AVE	YUMA	AZ	85364
FLORES CHRISTOPHER L & SUSAN R JT	1050 S HEREFORD AVE	YUMA	AZ	85364
HOWRY DAVID L & CHERYL JT	2520 W 10TH PL	YUMA	AZ	85364
DE LA VARA JAMES & NANCY	1053 S HEREFORD AVE	YUMA	AZ	85364
PEREZ BENJAMIN C & MARIA G JT	1061 S HEREFORD AVE	YUMA	AZ	85364
DUARTE ARNOLD F	1075 S HEREFORD AVE	YUMA	AZ	85364
FRIENDLY ACRES MOBILE HOME & RV PARK AZ LLC	77 W CHICAGO ST #4	CHANDLER	AZ	85225
BIO REALTY GROUP LLC	PO BOX 669	YUMA	AZ	85366
OSMAN IBRAHAM M	183 E 24TH ST STE 6	YUMA	AZ	85364
ATCHLEY MARY F UND 1/4 INT	1111 PALM AVE	YUMA	AZ	85364
STOUT CHARLES CLIFFORD ETAL	1059 S AVENUE B	YUMA	AZ	85364
G L M ENTERPRISES INC	31103 RANCHO VIEJO RD STE 2175	SAN JUAN CAPISTRANO	CA	92675

SOLTERO CIPRIANO & BIBIANA JT	1075 S AVENUE B	YUMA	AZ	85364
RAMOS MARTIN & LETICIA TRUST 11-3-00	2495 W 4TH PLACE	YUMA	AZ	85364
MUNOZ EUGENE J & CARMEN LVNG TR 11-9-99	950 S BELL AVE	YUMA	AZ	85364
NUNEZ HENRY & FRANSOANY CPWROS	2503 W 10TH PL	YUMA	AZ	85364
OLIN JOHN & RUTH JT	2504 W 10TH PL	YUMA	AZ	85364
MCBRIDE JACKI L	1051 S ANGUS WAY	YUMA	AZ	85364
LARA DAVID A & ESTELA L TRUST 1-24-01	PO BOX 3748	SAN LUIS	AZ	85349
KHUBIR SHWAN	2691 S 34TH AVE	YUMA	AZ	85364
KNAPP CARA L	4427 E VERBENA ST	YUMA	AZ	85365
RODRIGUEZ ANGELICA I	2457 W 8TH PL	YUMA	AZ	85364
AGUAYO SAMANTHA M	2440 W 11TH ST	YUMA	AZ	85364
VELASCO JOSE W & ANGELICA M	2452 W 18TH PL	YUMA	AZ	85364
LA RAIN LLC	PO BOX 712158	SANTEEE	CA	92072
SIEMENS BONNIE C TRUST 2-10-09	2512 W 10TH PL	YUMA	AZ	85364
VALS DRIVE THRU LIQUOR LLC	4119 W 23RD ST	YUMA	AZ	85364
WINTERGARDENS CO-OPERATIVE	2700 W 8TH ST	YUMA	AZ	85364
LARA DAVID A & ESTELA L TRUST 1-24-2001	PO BOX 3748	SAN LUIS	AZ	85349
DOUBLE R PRO INVESTMENTS LLC	919 S AVE B	YUMA	AZ	85364
SAGE GLEE L TRUST	2402 W CLAXTON ST	YUMA	AZ	85364
SAGE GLEE L TRUST	2404 W CLAXTON ST	YUMA	AZ	85364
ROJAS ARACELY	1712 S 10TH AVE	YUMA	AZ	85364
BELHEIGHTS LLC	109 ELDRIDGE AVE	MILL VALLEY	CA	94941
BOOTH HELGA H TRUST 12-2-2016	1906 W 17TH PL	YUMA	AZ	85364
CASTILLO MARIA	2355 W CLAXTON ST	YUMA	AZ	85364
DBNCH CIRCLE LLC	PO BOX 52072	PHOENIX	AZ	85072
YUMA COUNTY FLOOD CONTROL DISTRICT	2351 W 26TH ST	YUMA	AZ	85364
DOMINQUEZ ALEX & STEPHANIE JT	2365 W CLAXTON ST	YUMA	AZ	85364
GARCIA PETRA	2375 W CLAXTON ST	YUMA	AZ	85364
WINKLER GRADY FRANK	806 S GEORGE BELLE AVE	YUMA	AZ	85364
WINKLER GRADY FRANK	824 S GEORGE BELLE AVE	YUMA	AZ	85364
AGUILAR REBECCA A & JESSE A JT	960 S GEORGE BELL AVE	YUMA	AZ	85364
MARTINEZ MIGUEL H & HILDA G JT	980 S BELL AVE	YUMA	AZ	85364
WARNER ANTONIA F	3800 W FRANCIS ST	YUMA	AZ	85364
JARAMILLO JOSE LUIS	2445 W CLAXTON ST	YUMA	AZ	85364
MONSTER MEDIA AZ LLC	949 S AVE B	YUMA	AZ	85364
GUTIERREZ ROGELIO RAFAEL	210 W 7TH ST	YUMA	AZ	85364
VARGAS ANSELMO & MARIA	1067 S AVENUE B	YUMA	AZ	85364
ROCHA ASSETS LLC	2718 S 4TH AVE	YUMA	AZ	85364
ROMEOS INVESTMENT PROPERTIES LLC	2301 S 4TH AVE	YUMA	AZ	85364
WAL-MART STORES INC DE CORP	PO BOX 8050 MS 0555	BENTONVILLE	AR	72716
CANIZALES ALEXANDER	3606 W 20TH PL	YUMA	AZ	85364
MARTINEZ MIGUEL H & HILDA G JT	980 BELL AVE	YUMA	AZ	85364
CRUZ ARMANDO S & MARIA J JT	1046 S 13TH AVE	YUMA	AZ	85364

LARA DAVID A & ESTELLA L TRUST 1-24-01	1997 W 15TH PL	YUMA	AZ	85364
FLETES ISELA	108 CEDAR ST	SALINAS	CA	90905
GLM ENTERPRISES INC CALIF CORP	31103 RANCH VIEJO RD STE 2175	SAN JUAN CAPISTRANO	CA	92675

ATTACHMENT D
AERIAL PHOTO





STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: ALYSSA LINVILLE

Hearing Date: February 13, 2023

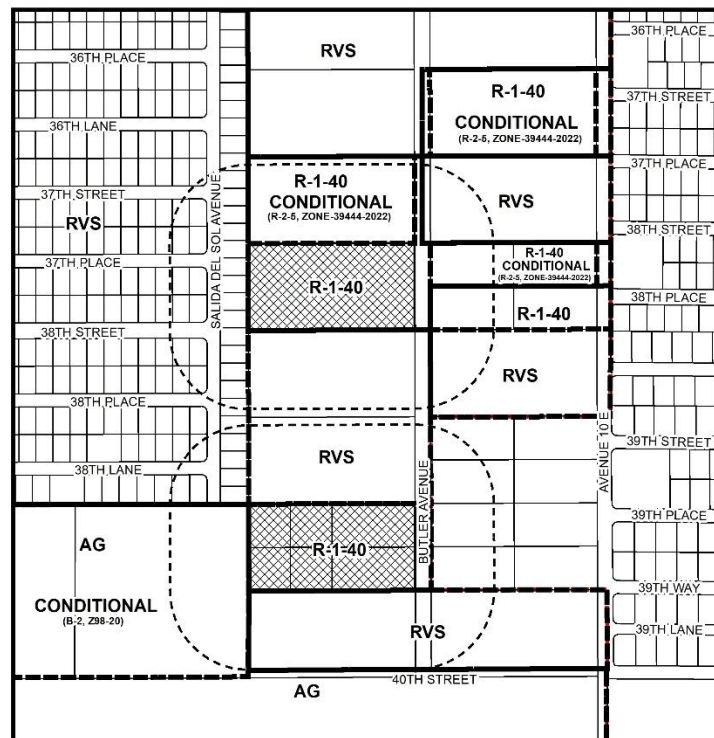
Case Number: ZONE-40751-2022

Project Description/Location:

This is a request by Colvin Engineering, on behalf of Hardknocks Limited Partnership, to rezone approximately 10 acres from the Low Density Residential (R-1-40) District to the Recreational Vehicle Subdivision (RVS) District. These properties are located between 36th Street and 40th Street, west of Avenue 10E, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-40)	Undeveloped	Medium Density Residential
North	Low Density Residential/ Conditional Medium Density Single-Family Residential (R-1-40/ Cond. R-2-5)	Undeveloped	Medium Density Residential
South	Recreational Vehicle Subdivision (RVS)	Undeveloped	Medium Density Residential
East	Low Density Residential/ Conditional Medium Density Single-Family Residential (R-1-40/ Cond. R-2-5); Low Density Residential (R-1-40); Yuma County	Undeveloped	Medium Density Residential
West	Recreational Vehicle Subdivision (RVS)	Vista Del Sol	Medium Density Residential; Low Density Residential

Location Map



Prior site actions: General Plan Amendment: R2013-42 (November 20, 2013; Low Density Residential to Medium Density Residential); Annexation: Ord. O2015-14 (March 18, 2015)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Low Density Residential (R-1-40) District to the Recreational Vehicle Subdivision (RVS) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-40751-2022 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 10 acres from the Low Density Residential (R-1-40) District to the Recreational Vehicle Subdivision (RVS) District, for the properties located between 36th Street and 40th Street, west of Avenue 10E, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The applicant is proposing to rezone approximately 10 acres to the Recreational Vehicle Subdivision (RVS) District for the future development of a single-family subdivision. These subject properties will be compiled with several other similarly zoned properties within the area, in order to develop a larger development project. While the proposed RVS District could allow for the development of a recreational vehicle subdivision, it is the intent of the applicant to develop the project with site-built, single-family homes.

The subject properties and many of the adjacent properties in the area are part of Ranchos el Toreo, a residential subdivision of 28 lots, each approximately 4.8 acres in size. This subdivision was recorded in 1965. The northern portion, which extended all the way to Highway 80 (now Interstate 8), is the location of Westwind RV and Golf Resort (formerly Roger's).

The southern half of Ranchos el Toreo has remained relatively undeveloped aside from the construction of several large-lot, single-family homes whose access come from Butler Avenue or Avenue 10E, a paved roadway. Aside from Avenue 10E, there are no other paved roads in or adjacent to this subdivision. Of the original lots, all have been annexed, except lots 24 and 25 which remain outside of the City of Yuma limits. Lots 24 and 25 were split into a total of 8 lots, and are the location of several of the homes built in Ranchos el Toreo.

Upon annexation in 2015, the lots in Ranchos el Toreo retained the same zoning as they had in the County. A mixture of Recreational Vehicle Subdivision (RVS) and Low Density Residential (R-1-40).

The goal of the applicant is to develop a large residential subdivision on several of the lots under their control along with paved access within the subdivision to align with the existing surrounding residential development. With this development, it is expected that Butler Avenue and 36th Street will need to be developed in accordance with City standards.

To the east is Via Chaparral Subdivision, zoned RVS in the County, which features site-built homes on lots measuring approximately 6,500 square feet. To the north is the aforementioned RV resort zoned Manufactured Home Park (MHP) in the City. To the west is Vista del Sol Subdivision, zoned RVS in the City with a mixture of dwelling types. To the south of 40th Street is vacant desert in the City zoned Agriculture (AG).

Further specified in Yuma City Code §154-06.02, the following are some of the development standards required of a development with the Recreational Vehicle Subdivision (RVS) District:

1. The minimum lot size is between 2,400 square feet and 6,000 square feet depending upon the housing type ;
2. The maximum lot coverage shall not exceed 50% of the lot area;
3. A minimum front yard setback ranging between 10-20 feet;
4. A minimum side yard setback of 7 feet;
5. A minimum rear yard setback of 10 feet; and
6. A maximum building height of 20 feet for the residence and 15 feet for accessory structures.

The request to rezone the property from the Low Density Residential (R-1-40) District to the Recreational Vehicle Subdivision (RVS) District is in conformance with the Medium Density Residential Land Use Category in the General Plan.

Upon successful completion of a rezone, the applicant intends on moving forward with a subdivision application as soon as possible. The subdivision process is a public process which will be reviewed by the Planning and Zoning Commission and City Council.

1. Does the proposed zoning district conform to the Land Use Element?

Land Use Element:									
Land Use Designation:				Medium Density Residential					
Issues:				None					
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:		Yes	No	X					

2. Are there any dedications or property easements identified by the Transportation Element?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Butler Avenue – Local Collector	29 FT H/W ROW	30 FT H/W ROW				
Bicycle Facilities Master Plan	Proposed Bike Lanes on 40 th Street and Avenue 10E					
YCAT Transit System	N/A					
Issues:	None					

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?

Parks, Recreation and Open Space Element:	
Parks and Recreation Facility Plan	

Neighborhood Park:	Existing: Saguaro Park	Future: Saguaro Park					
Community Park:	Existing: None	Future: Agua Viva Urban Lake Park					
Linear Park:	Existing: None	Future: Gila Main Canal Linear Park					
Issues:	None						
Housing Element:							
Special Need Household:	N/A						
Issues:	None						
Redevelopment Element:							
Planned Redevelopment Area:	None						
Adopted Redevelopment Plan:	North End:	Carver Park: None: X					
Conforms:	Yes	No N/A					
Conservation, Energy & Environmental Element:							
Impact on Air or Water Resources	Yes	No X					
Renewable Energy Source	Yes	No X					
Issues:	None						
Public Services Element:							
<u>Population Impacts</u> Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	Dwellings & Type		Projected	Police	Water		Wastewater
	<i>Single Family</i>		Population	Impact	Consumption		Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	129	2.9	374	0.71	77,439	86.7	26,187
	Minimum						
	50	2.9	145	0.27	30,015	33.6	10,150
Fire Facilities Plan:	Existing: Fire Station No. 5		Future: Fire Station No. 7				
Water Facility Plan:	Source:	City X	Private	Connection:	10" PVC (36 th Street)		
Sewer Facility Plan:	Treatment:	City	Septic	Private X	Connection: Foothills Utilities		
Issues:	None						
Safety Element:							
Flood Plain Designation:	Flood Zone X		Liquefaction Hazard Area:		Yes	No	X
Issues:	None						
Growth Area Element:							
Growth Area:	Araby Rd & Interstate 8	Arizona Ave & 16 th St	Avenue B & 32 nd St.				
	North End	Pacific Ave & 8 th St	Estancia	None	X		
Issues:	None						

4. Does the proposed rezoning conform to the adopted facilities plan?

Yes.

5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?

Yes.

Public Comments Received: None Received.

External Agency See Attachment D.
Comments:

Neighborhood Meeting
Comments:

See Attachment E.

Proposed conditions delivered to applicant on: February 6, 2023

Final staff report delivered to applicant on: February 6, 2023

- ☐ Applicant agreed with all of the conditions of approval on: (enter date)
☐ Applicant did not agree with the following conditions of approval: (list #'s)
☒ Applicant has not yet provided feedback regarding the conditions of approval.

Attachments

A	B	C	D	E	F	G	H
Conditions of Approval	Conceptual Site Plan	Agency Notifications	Agency Comments	Neighborhood Meeting Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Alyssa Linville*

Date: 02/06/2023

Alyssa Linville,
Director of Planning and
Neighborhood Services

Alyssa.Linville@yumaaz.gov (928)373-5000, ext. 3037

ATTACHMENT A
CONDITIONS OF APPROVAL

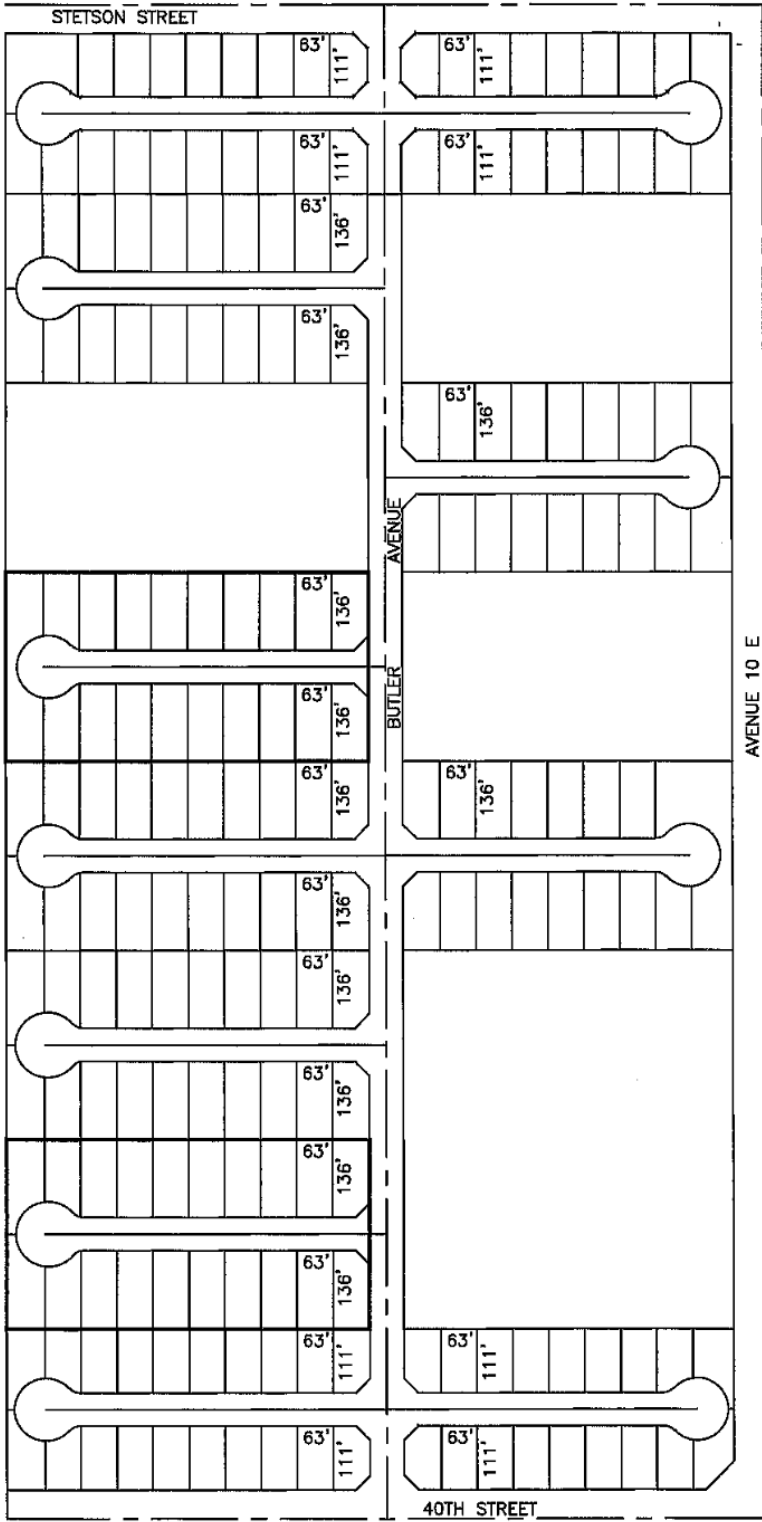
The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director of Planning and Neighborhood Services (928) 373-5000, ext. 3037:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
CONCEPTUAL SITE PLAN



ATTACHMENT C

AGENCY NOTIFICATIONS

- Legal Ad Published: **The Sun** (01/20/23)
- 300' Vicinity Mailing: (12/27/23)
- 34 Commenting/Reviewing Agencies noticed: (12/29/22)
- Site Posted on: (12/28/22)
- Neighborhood Meeting: (01/04/23)
- Hearing Date: (02/13/23)
- Comments due: (01/09/23)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	01/05/2023	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	Yes	01/03/2023		X	X
Yuma Irrigation District	NR				
Arizona Fish and Game	Yes	02/01/2023		X	X
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	01/03/2023	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	12/29/2023	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	01/09/2023			X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENCY COMMENTS**

☒ COMMENT ☐ NO COMMENT

Enter comments below:

The proposed development will lead to greater congestion and operational difficulties at the Avenue 8 1/2E & Fortuna Road Traffic Interchanges along Interstate 8 until an east-west connector road is built in the area.

DATE: 1/3/23 NAME: Isabell Garcia TITLE: Development Coordinator
AGENCY: ADOT Southwest District
PHONE: (928) 317-2159
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

☒ Condition(s) ☐ No Condition(s) ☒ Comment

Enter conditions here: MCAS Yuma has reviewed this request and offer the following comments/conditions: The subject parcels are located approximately 2 miles from the northern boundary of the Barry M. Goldwater Range West (BMGR-W). If not already in place, it is requested that Avigation easement and Range Disclosure Statements be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby MCAS Yuma, Yuma International Airport Aviation Complex, BMGR-W and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment

DATE: 9 Jan 2023 NAME: Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov



February 1, 2023

Alyssa Linville
Community Planning Division
City of Yuma
1 City Plaza
Yuma, AZ 85364

Electronically submitted to: Alyssa.linville@YumaAz.gov

RE: City of Yuma Rezoning Case Number ZONE-40751-2022

Dear Ms. Linville:

The Arizona Game and Fish Department (Department) appreciates the opportunity to review ZONE-40751-2022. The Department understands that this is a request for the rezoning of approximately 10 acres from the Low Density Residential (R-1-40) District to the Recreational Vehicle Subdivision (RVS) District, located between 36th Street and 40th Street, east of Avenue 10E, in Yuma, Arizona.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission, has jurisdictional authority and public trust responsibilities to conserve and protect the state fish and wildlife resources. In addition, the Department manages threatened and endangered species through authorities of Section 6 of the Endangered Species Act and the Department's Section 10(a)(1)(A) permit. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations. For your consideration, the Department provides the following comments based on the agency's statutory authorities, public trust responsibilities, and special expertise related to wildlife resources and recreation.

The project site is potential flat-tailed horned lizard habitat, which is a Species of Greatest Conservation Need (SGCN) in Arizona. The species was proposed for listing under the Endangered Species Act (ESA) as Threatened in 1993 and withdrawn in 1997 in part due to a Candidate Conservation Agreement (CCA) and Rangewide Management Strategy (RMS) signed in 1997. To lessen impacts and prevent the listing of flat-tailed horned lizards, the Department recommends following the [*Flat-tailed Horned Lizard Rangewide Management Strategy*](#)¹ (FHLICC 2003), which provides guidelines for surveys, impact avoidance measures, and mitigation measures for this species.

¹ http://www.cebweb.arizona.edu/Courses/Ecol406R_506R/FTHLStrategy03.pdf

azgfd.gov | 928.342.0091

YUMA OFFICE: 9140 E. 28TH ST., YUMA AZ 85365

GOVERNOR: KATIE HOBBS **COMMISSIONERS:** CHAIRMAN JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON
MARSHA PETRIE SUE, SCOTTSDALE | LELAND S. "BILL" BRAKE, ELGIN **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

The western burrowing owl, a special status species that is regulated under the Migratory Bird Treaty Act, may be present within the project area. If suitable habitat for this species is present (i.e. burrows in the ground), the Department recommends following the [*Burrowing Owl Project Clearance Guidance for Landowners*](#)² which can be accessed online through the Department's website. If an active burrowing owl burrow is detected, please contact the Department and the U.S. Fish and Wildlife Service for direction, in accordance with the [*Burrowing Owl Project Clearance Guidance for Landowners*](#).

Additionally, Department recommends the following best management practices for wildlife and their habitat that may be affected by this project:

- The Department recommends minimizing the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects, and pathogens. This can be accomplished by taking precautions to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. Also, see the [*Arizona Department of Agriculture website*](#)³ for a list of prohibited and restricted noxious weeds and the [*Arizona Native Plant Society*](#)⁴ for recommendations on how to control them. A great resource to view a list of documented invasive species or to report invasive species in or near your project area is [*iMapInvasives*](#)⁵, a national cloud-based application for tracking and managing invasive species.
- The Department recommends revegetating disturbed areas with native drought-tolerant species that represent the pre-construction vegetation characteristics and the surrounding landscape. Landscaping with native plants can help support wildlife and pollinator species in the area while reducing dust and erosion.
- If trenching will occur for the proposed project, the Department recommends that trenching and backfilling crews work close together to minimize the amount of open trenches at any given time. Where trenches cannot be back-filled immediately, the Department recommends escape ramps be constructed at least every 90 meters. Escape ramps can be short lateral trenches or wooden planks sloping to the surface. The slope should be less than 45 degrees (1:1). Trenches that have been left open overnight should be inspected and animals removed prior to backfilling.
- Artificial lighting could impair the ability of nocturnal animals to navigate (e.g., owls, migratory birds, bats, and other nocturnal mammals), and may affect reptile populations. If construction activities are to take place between sunset and sunrise, the Department recommends using only the minimum amount of light needed for safety. If feasible, narrow spectrum lighting is wildlife-friendly and should be used as often as possible to minimize the number of species affected by lighting. It is also beneficial that all lighting is shielded, canted, or cut to minimize the amount of upward shining light.

² <https://www.azgfd.com/wildlife/speciesofgreatestconservneed/raptor-management/burrowing-owl-mangement/>

³ <https://www.invasivespeciesinfo.gov/unitedstates/az.shtml>

⁴ <https://aznps.com/invas>

⁵ <https://imap.natureserve.org/imap/services/page/map.html>

- The Department requests that if development moves forward, signs be installed to encourage future residents and guests to remain on roads and trails when traveling or recreating in the area to avoid creating additional disturbance and impacts to wildlife and wildlife habitat outside of the current footprint.
- The Department would also like to encourage private developers and The City of Yuma to use the [Arizona Online Environmental Review Tool](#)⁶ administered by the Department's Heritage Data Management System (HDMS) as part of their standard operating procedure for review of new construction and development. This tool is a useful resource that provides baseline information on special status species such as Arizona's Species of Greatest Conservation Need and Species of Economic and Recreational Importance. The Department entered this project as an example (please see the attached HDMS report).

Thank you for the opportunity to provide input on ZONE-40751-2022. For further coordination, please contact Teigan Williams at tstruck@azgfd.gov or 928-341-4069.

Sincerely,

Tyler Williford Digitally signed by Tyler Williford
Date: 2023.01.31 17:06:25 -07'00'

A. Tyler Williford
Habitat, Evaluation, and Lands Program Supervisor - Region IV

AZGFD #M23-01121833

⁶ <https://ert.azgfd.gov/>

ATTACHMENT E

NEIGHBORHOOD MEETING COMMENTS

Date Held: (01/04/2023)

Location: On-Site

Attendees: Alyssa Linville, City of Yuma; Craig Colvin, Applicant's Agent; Lane Heida, Applicant; Nathan Heida, Applicant; 20 neighbors in attendance.

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- **NEIGHBORS VOICED INTEREST IN THE NOTIFICATION PROCESS, AND WHEN ONE RECEIVES NOTIFICATION. STAFF DETAILED THE STATE MANDATED NOTIFICATION REQUIREMENTS AND WHY NOT EVERYONE IS NOTIFIED EVEN WHEN THEY MAY LIVE IN THE AREA.**
- **STAFF OUTLINED THE TIMELINE HEARING PROCESS AND UPCOMING HEARING DATES.**
- **NEIGHBORS WERE CONCERNED ABOUT THE POTENTIAL FOR RECREATIONAL VEHICLE DEVELOPMENT. THE APPLICANT INFORMED THE NEIGHBORS THAT THE INTENT WAS TO DEVELOP THE PROJECT WITH SITE-BUILT, SINGLE-FAMILY HOMES.**
- **NEIGHBORS ASKED WHO THE UTILITY PROVIDERS WOULD BE AND IF THE CITY'S SEWER SYSTEM WOULD BE EXTEND TO SERVICE THIS DEVELOPMENT. THE APPLICANT INFORMED THE NEIGHBORS THAT WATER WOULD BE PROVIDED BY THE CITY AND THAT SEWER WOULD BE PROVIDED BY FOOTHILLS UTILITY.**
- **NEIGHBORS STATED THAT THERE IS AN EXISTING CONCERN RELATED TO THE SMELL OF THE AREA SEWER/SEPTIC SYSTEMS, AND THAT CITY SEWER WOULD BE THE PREFERRED PROVIDER.**
- **NEIGHBORS VOICED CONCERN ABOUT THE POTENTIAL FOR TWO-STORY HOMES, STATING THAT SUCH DEVELOPMENT COULD CAUSE PRIVACY ISSUES. THE APPLICANT INFORMED THE NEIGHBORS THAT AT THIS TIME, SINGLE-STORY HOMES ARE THE ONLY HOMES THEY OFFER.**
- **NEIGHBORS QUESTIONED THE INTENDED PRICE POINT FOR THE HOME SALES. THE APPLICANT STATED THAT DEPENDING ON MARKET CONDITIONS, THE HOMES COULD RANGE IN PRICE FROM \$260,000-\$325,000.**
- **NEIGHBORS VOICED CONCERN RELATED TO THE EXISTING ACCESS/ROADWAY CONDITIONS, AND THE NEED FOR IMPROVEMENTS ALONG AVENUE 10E, BUTLER AVENUE, 36TH STREET AND 40TH STREET. STAFF AND THE APPLICANT INFORMED THE NEIGHBORS THAT NECESSARY ROADWAYS IMPROVEMENTS WERE BEING DISCUSSED AND PLANNED FOR.**
- **NEIGHBORS VOICED CONCERNS RELATED TO THE POTENTIAL DENSITY AND ASKED IF THERE WAS ANY POSSIBILITY TO INCREASE THE LOT SIZES, SIMILAR TO THE ONE-ACRE LOTS IN THE AREA. THE APPLICANT STATES THAT AT THIS TIME THE INTENT WAS TO DEVELOP 6,000 SQUARE FOOT LOTS, A HOUSING OPTION THE APPLICANT BELIEVES IS MORE IN DEMAND WITHIN THE COMMUNITY.**
- **SEVERAL NEIGHBORS STATED THAT THEY WERE UNAWARE OF THE AREA BEING ANNEXED INTO THE CITY OF YUMA. STAFF INFORMED THE NEIGHBORS THAT ANNEXATION HAD TAKEN PLACE SEVERAL YEARS PRIOR.**

ATTACHMENT F
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code
NARDOZZA FAMILY TRUST 11-7-2007	709 PONSETTIA PARK SOUTH	ENCINITAS, CA 92024
HIMES RICHARD & JANICE JT	1602 3RD ST	TILLAMOOK, OR 97141
HIMES RICHARD L & JANICE M TRUST 6-4-1998	1602 3RD ST	TILLAMOOK, OR 97141
BARREIRO SHERRY REVOCABLE TRUST 2-15-2022	11274 S FORTUNA RD STE D2	YUMA, AZ 85367
BOWEN FAMILY TRUST 12-30-2008	3781 S SALIDA DEL SOL AVE	YUMA, AZ 85365
ROMERO JOSE A	3813 S SALIDA DEL SOL AVE	YUMA, AZ 85365
KAMMERZELL TERRY & ROSALIE	3825 S SALIDA DEL SOL AVE	YUMA, AZ 85365
JOHNSON RONALD P & WANDA	3837 S SALIDA DEL SOL	YUMA, AZ 85365
BOCKUS ROBERT N & JANET C	3849 S SALIDA DEL SOL	YUMA, AZ 85365
STANLEY SIEGLINDE R	3873 S SALIDA DEL SOL AVE	YUMA, AZ 85365
PANEK DEANE M	3885 S SALIDA DEL SOL AVE	YUMA, AZ 85365
BERMUDEZ CRISPIN R	3099 W 31ST ST	YUMA, AZ 85364
SEGOVIA MARTIN	PO BOX 2980	SOMERTON, AZ 85350
WEISS ROBERT HAROLD & FREIDA TRUST 5-19-1992	PO BOX 26209	YUMA, AZ 85367
WILLIE AND ELOISE FAMILY TRUST 7-3-95	9698 E 37TH PL	YUMA, AZ 85365
VANDERPUTTEN MICHAEL ANTHONY	9738 E 37TH ST	YUMA, AZ 85365
GREEN LOLITA Y	11115 WESTONHILL DR	SAN DIEGO, CA 92126
CHRISTENSEN FORREST H & BARBARA A JT	BOX 92	BARNWELL, AB TOK 0B0
VILLA BEVERLY A	9697 E 37TH ST	YUMA, AZ 85365
STATZER WILLIAM H & CONNIE G JT	3683 S SALIDA DEL SOL AVE	YUMA, AZ 85365
JOHNSTON LOYD D & LINDA R JT	20597 COUNTY RD 306	BUENA VISTA, CO 81211
JOHNSTON LYMAN & SHARON TRUST 4-15-1993	8297 S 4340 ROAD	WELCH, OK 74369

HURTADO JESUS M & MARIA D	9699 E 37TH PL	YUMA, AZ 85365
LEE ANN C & LAWRENCE CPWROS	9727 E 37TH PL	YUMA, AZ 85365
CROTTS DENNIS E & GAYLA A TRUST 8-10-2010	662 QUAIL LN	LE ROY, KS 66857
BECERRA RODOLFO	9742 E 38TH ST	YUMA, AZ 85365
ESCH PHILIP J TRUST 1-31-214	4830 GETTEL RD	SEBEWAING, MI 48759
GONZALEZ RENNE SANDOVAL	9729 E 38TH ST	YUMA, AZ 85365
ICKES TRUST 6-6-2019	9743 E 38TH ST	YUMA, AZ 85365
WHEELER MATTHEW RICHARD & JACKELYN BAILEN JT	9744 E 38TH PL	YUMA, AZ 85365
NEWBIGGING WILLIAM R & JACQUELINE C JT	11521 S EBY RD	CANBY, OR 97013
HARDNOCKS AZ LTD PARTNERSHIP	242 S 1ST AVE	YUMA, AZ 85364
DIEZ FAMILIA AZ LLC	2851 S AVE B SUITE 18	YUMA, AZ 85364
HARDKNOCKS LLLP	190 S MADISON AVE STE 2	YUMA, AZ 85364
4W AZ LLC	2851 S AVE B SUITE 18	YUMA, AZ 85364
GUTIERREZ MANUEL FRANCISCO	6219 E 44TH ST	YUMA, AZ 85365
HOOKLAND CHRIS & XIAOYING	9705 E 38TH LN	YUMA, AZ 85364
MALDONADO MIGUEL MIRANDA	9733 E 38TH LN	YUMA, AZ 85365
PROCELL ROBERT PATRICK & PAMELA SUE TRUST 2-9-2018	14766 E 52ND ST	YUMA, AZ 85367
KELLER RONALD L & JOAN JT	3101 W 8TH ST	YUMA, AZ 85364
WOOD RYAN N & RONDA L	2009 W 12TH LN	YUMA, AZ 85364
HOWEY KENNETH & DONNA JT	105 1339 MCGIL RD	KAMLOOPS, BC V2C 6K7
BUCHAN ROBERT T & RAE M & SIMINGTON STACY M & FUNKE CHERI ALL JT	BOX 127	SUNDRE, AB T0M 1X0
POWLUSKO LARRY & KAREN JT	79 BURROUGHS PL NE	CALGARY, AB T1Y 6K5
GOMEZ-ABUNDIZ ELUTERIO	3861 S SALIDA DEL SOL AVE	YUMA, AZ 85365
GOHL RICHARD L & CYNTHIA A JT	9728 E 38TH ST	YUMA, AZ 85365
KRAUTER DONNA MAE E	9700 E 38TH ST	YUMA, AZ 85365
URIARTE HECTOR J & ROSA	4375 S AVENUE 3E	YUMA, AZ 85365
ARGUELLES ELIZABETH	11236 S CARDINAL LN	YUMA, AZ 85365
FOOTHILLS WATER & SEWER LLC	250 SW TAYLOR ST	PORTLAND, OR 97204
FIETEN WILLY & DEBRA D JT	9746 E 38TH LN	YUMA, AZ 85367
MIRANTE ANNE-MARIE	9732 E 38TH LN	YUMA, AZ 85365

**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Colvin Engineering, on behalf of Hardknocks Limited Partnership, to rezone approximately 10 acres from the Low Density Residential (R-1-40) District to the Recreational Vehicle Subdivision (RVS) District. These properties are located between 36th Street and 40th Street, east of Avenue 10E, Yuma, AZ

**MEETING DATE,
TIME & LOCATION**

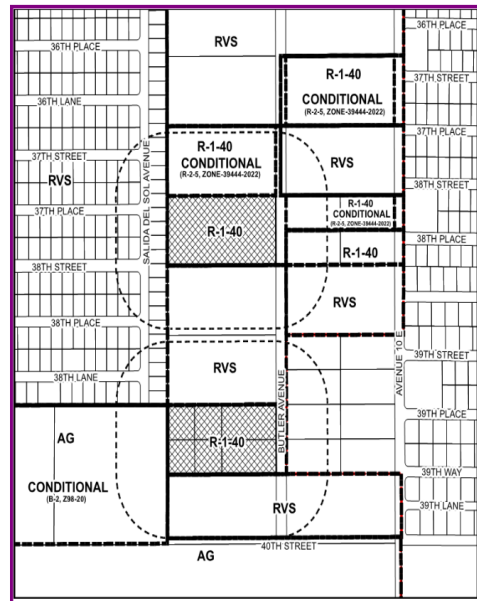
FOR CASE #
ZONE-40751-2022

NEIGHBORHOOD MEETING

01/04/2023 @ 5:00 PM
ON-SITE

PUBLIC HEARING

02/13/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the 36th and 40th Street, east of Avenue 10E, Yuma, AZ you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Alyssa Linville by phone at (928) 373-5000 ext. 3037 or by email at Alyssa.Linville@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO

